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REGULATIONS

FOR THE

ADMINISTRATION

OF

JUSTICE

IN THE

COURTS

OF

MOFUSSIL DEWANNEE ADAULUT,

AND IN THE

SUDDUR DEWANNEE ADAULUT,

Passed in Council the 5th of JULY 1781.

CALCUTTA,

AT THE

Hon'ble Company's Press,

M DCC LXXXI.

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REGULATIONS for the Administration of Justice in the Courts of
Mofussil Dewannee Adaulut, and in the *Sudder Dewannee Adaulut*.

WHEREAS in pursuance of the general Regulations for the Administration of Justice, made and ordained on the twenty first day of August, in the year of our Lord one thousand seven hundred and seventy two, by the late President and Council, Courts of *Mofussil Dewannee Adaulut*, or Provincial Courts of civil Justice, were erected and established in the grand Districts or Divisions of *Pattana*, *Dinagapore* or *Purnea*, *Moorshedabad*, *Dacca*, *Burdwan* and *Calcutta*; and a Court of *Sudder Dewannee Adaulut*, or Supreme Court of civil Justice, was established in the Town of *Calcutta*, which was afterwards, in the year one thousand seven hundred and seventy four, discontinued until the twentieth day of March, one thousand seven hundred and eighty, when the Governor General and Council revived and recontinued the same; but, on account of the multiplicity of business of the Governor General and Council, no Court of *Sudder Dewannee Adaulut* was held before the Governor General and Council, or any Member thereof; wherefore it was, on the twenty fourth day of October, one thousand seven hundred and eighty, resolved, that the said Court should be held before one Judge, who was nominated and appointed by the Governor General and Council.

AND WHEREAS great Inconveniencies have arisen from the local Jurisdiction of the said Courts of *Mofussil Dewannee Adaulut* being too extensive, and therefore, for the more speedy and effectual Administration of Justice, additional Courts of *Mofussil Dewannee Adaulut* were, on the sixth of April, one thousand seven hundred and eighty one, established throughout the Provinces, at *Midnapore*, *Rogonautpore*, *Chettrah*, *Loyah*, *Derbungah*, *Boglepore*, *Rungpore*, *Nattore*, *Azmery Gunge*, *Backergunge*, *Islamabad*, and *Morely*; and the Seat of the *Adaulut* of *Purnea* or *Dinagapore*, for the Convenience of the Suitors, was removed to *Taujepore*, and a Court of *Mofussil Dewannee Adaulut* was there erected and established, in lieu of the

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Mofuffil Dewannee Adaulut at *Dinagepore*: And, as it will be a further convenience to the Suitors, that a Court of *Mofuffil Dewannee Adaulut* should be held at *Masey* instead of *Loyah*; and at *Raugehaut* in *Bissenpore*, instead of *Rogonautpore* in the District of *Pacheat*; and at *Sultanoe*, instead of *Azmery Gunge*.

AND WHEREAS at different times and under different circumstances of the Courts of *Mofuffil Dewannee Adaulut*, and of the *Sudder Dewannee Adaulut*, divers Rules, Ordinances and Regulations, as occasion did require, were made and framed for the Administration of Justice, many of which are not adapted to the state of the present Courts, for the better ascertaining, as well the Powers, Authority and Jurisdiction of the said Courts, as the Countries, Districts and Places over which the same do and shall extend; for removing the Court of *Loyah* to *Masey*, and of *Rogonautpore* to *Raugehaut*, and of *Azmery Gunge* to *Sultanoe*; and for the explaining such Rules, Orders and Regulations, as may be ambiguous; and revoking such as may be repugnant or obsolete; and to the end that one consistent Code be framed therefrom, and one general Table of Fees established in and throughout the said Courts of *Mofuffil Dewannee Adaulut*, by which a general conformity may be maintained in the Proceedings, Practice and Decisions of the several Courts; and that the Inhabitants of these Countries may not only know to what Courts and on what Occasions they may apply for Justice, but, seeing the Rules, Ordinances and Regulations, to which the Judges are by Oath bound invariably to adhere, they may have Confidence in the said Courts, and may be apprized on what Occasions it may be advisable to appeal from the Courts of *Mofuffil Dewannee Adaulut* to the Court of *Sudder Dewannee Adaulut*; and, knowing the utmost of the Costs which may be incurred in their suits, may not, from any apprehension of being involved in exorbitant and unforeseen expences, or of being subjected to the frauds of extortion of the Officers of the Court, be deterred from prosecuting their just claims.

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BE IT RESOLVED,

I. THAT so much of the Resolutions of the late President and Council of the twenty first day of August, one thousand seven hundred and seventy two, or any other Resolution of any President and Council, or Governor General and Council, by which any Power, Authority and Jurisdiction was given to the Courts of *Patna, Dinagepore or Purnea, Moorshedabad, Dacca, Burdwan and Calcutta*, over any other Countries, Districts or Places, than the Countries, Districts and Places over which the Courts of *Patna, Taujepore, Moorshedabad, Dacca, Burdwan and Calcutta* are hereby authorized to hold Jurisdiction; and that so much of the Resolution of the sixth of April, one thousand seven hundred and eighty one, or of any other Resolution which constituted Courts of *Mofussil Dewannee Adaulut* at *Dinagepore or Purnea, Rogonautpoor, Loyah and Azmery Gunge*, be annulled and revoked: And that there remain at *Midnapore* one *Mofussil Dewannee Adaulut*, to be called the *Mofussil Dewannee Adaulut* at *Midnapore*; one *Mofussil Dewannee Adaulut* at *Chittrah*, to be called the *Mofussil Dewannee Adaulut* at *Chittrah*; one *Mofussil Dewannee Adaulut* at *Patna*, to be called the *Mofussil Dewannee Adaulut* at *Patna*; one *Mofussil Dewannee Adaulut* at *Derbungah*, to be called the *Mofussil Dewannee Adaulut* at *Derbungah*; one *Mofussil Dewannee Adaulut* at *Taujepore*, to be called the *Mofussil Dewannee Adaulut* at *Taujepore*; one *Mofussil Dewannee Adaulut* at *Boglepore*, to be called the *Mofussil Dewannee Adaulut* at *Boglepore*; one *Mofussil Dewannee Adaulut* at *Rungpore*, to be called the *Mofussil Dewannee Adaulut* at *Rungpore*; one *Mofussil Dewannee Adaulut* at *Nattore*, to be called the *Mofussil Dewannee Adaulut* at *Nattore*; one *Mofussil Dewannee Adaulut* at *Dacca*, to be called the *Mofussil Dewannee Adaulut* at *Dacca*; one *Mofussil Dewannee Adaulut* at *Backergunge*, to be called the *Mofussil Dewannee Adaulut* at *Backergunge*; one *Mofussil Dewannee Adaulut* at *Islamabad*, to be called the *Mofussil Dewannee Adaulut* at *Islamabad*; one *Mofussil Dewannee Adaulut* at *Morely*, to be called the *Mofussil Dewannee Adaulut* at

at *Morely* ; one *Mofuffil Dewannee Adaulut* at *Burdwan*, to be called the *Mofuffil Dewannee Adaulut* at *Burdwan* ; one *Mofuffil Dewannee Adaulut* at *Calcutta*, to be called the *Mofuffil Dewannee Adaulut* at *Calcutta* ; and one *Mofuffil Dewannee Adaulut* at *Moorshedabad*, to be called the *Mofuffil Dewannee Adaulut* at *Moorshedabad* : And that in lieu of the *Mofuffil Dewannee Adaulut* at *Loyah*, there be established one *Mofuffil Dewannee Adaulut* at *Masey*, to be called the *Mofuffil Dewannee Adaulut* at *Masey* ; and in lieu of the *Mofuffil Dewannee Adaulut* at *Rogonautpore* in the District of *Pacheat*, one *Mofuffil Dewannee Adaulut* at *Raujehaut* in *Bissenpore*, to be called the *Mofuffil Dewannee Adaulut* at *Raujehaut* ; and in lieu of the *Mofuffil Dewannee Adaulut* at *Azmery-Gunge*, one *Mofuffil Dewannee Adaulut* at *Sultanoe*, to be called the *Mofuffil Dewannee Adaulut* at *Sultanoe*.

II. THAT so much of the Resolutions of the late President and Council of the twenty first day of august, one thousand seven hundred and seventy two, which directed, that the Collector in each District shall preside in the Provincial, or *Mofuffil Dewannee Adaulut*, attended by the Provincial *Dewan*, be revoked and annulled ; and that the several Courts of *Mofuffil Dewannee Adaulut* at *Midnapore*, *Patna*, *Derbunghah*, *Taujepore*, *Natore*, *Dacca*, *Backergunge*, *Morely*, *Calcutta*, *Burdwan*, and *Moorshedabad* be respectively held before the Persons who have heretofore been appointed Superintendants or Judges thereof ; and that the several Persons, heretofore respectively appointed Registers thereof, be and remain the Registers of the Courts to which they are appointed ; and that the *Mofuffil Dewannee Adaulut* at *Raujehaut* be held before the Person heretofore appointed the Judge of the *Mofuffil Dewannee Adaulut* at *Rogonautpore* ; and the *Mofuffil Dewannee Adaulut* at *Masey* before the Person appointed the Judge of the *Mofuffil Dewannee Adaulut* at *Loyah* ; and the *Mofuffil Dewannee Adaulut* of *Sultanoe* before the Person appointed Judge of the *Mofuffil Dewannee Adaulut* of *Azmery-Gunge* : And that the Person heretofore appointed Register of the *Mofuffil Dewannee Adaulut* at *Rogonautpore* be the Register of the *Mofuffil Dewannee Adaulut* at *Raujehaut* ; and the Person appointed Register of the *Mofuffil Dewannee Adaulut*

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lut at *Loyah*, be the Register of the Mofuffil Dewannee Adaulut at *Masey*; and the person appointed Register of the Mofuffil Dewannee Adaulut at *Azmery-Gunge* be the Register of the Mofuffil Dewannee Adaulut at *Sultanoeë*. And in case of the vacancy of the office of any Judge of any of the said Courts of Mofuffil Dewannee Adaulut, that the Governor General and Council do appoint one covenanted Company's Servant, of the standing of a Factor at least, to such vacant office; and so, from time to time, as any vacancy may happen. And every person, already appointed, or to be appointed Judge of any of the said Mofuffil Dewannee Adauluts, shall be, and shall be stiled Judge of the Mofuffil Dewannee Adaulut at that place to which he has, or shall be appointed; and shall not be removable from his office, except at his own requisition, signified in writing under his hand, to the Governor General and Council; or on proof being made to the satisfaction of the Governor General and Council, that he has been guilty of some neglect of, or misdemeanor in the execution of his office. And in case of the vacancy of the office of Register to any of the said Courts, that the Governor General and Council do appoint one covenanted Company's Servant to such office; and so, from time to time, as vacancies may happen. THAT the Courts of *Chittrah*, *Boglepoor*, *Islamabad*, and *Rungpore* be respectively held by that person who hath, or shall hereafter have the charge of the Revenue in each respective place; who shall be, and shall be stiled Judge of the Mofuffil Dewannee Adaulut at that place to which he has been, or shall be appointed.

III. THAT each of such of the Judges, already appointed, who have not taken and subscribed the following Oath, do immediately; and every person, hereafter to be appointed a Judge of any Mofuffil Dewannee Adaulut, before he shall enter on the execution of his Office, do, before the Governor General and Council, or the Governor General, or such person as shall, by the Governor General and Council, be deputed to administer the same, take and subscribe an Oath in the following words:

“ I do swear, that I will administer justice, to the best of my ability, knowledge and judgment, without fear, favor, promise, or hope of reward; and, that I will not receive

ceive, directly or indirectly, any present, or nuzzer, either in money, or in effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the Court of Adaulut under my jurisdiction ; nor will I, knowingly, permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the Court of Adaulut under my jurisdiction ; and that I will render a true and faithful account of all sums received for Deposits on Causes and Fees of Court, and of all expenditures. ”

IV. THAT the establishment of the native Officers in the said Courts respectively, except in the Mofuffil Dewannee Adauluts of *Chittrah*, *Boglepore*, *Islama-bad* and *Boglepoor*, be the same as the establishment heretofore formed for the Mofuffil Dewannee Adauluts of *Patna*, *Dinagepore* or *Purnea*, *Moorshedabad*, *Dacca*, *Burdwan*, and *Calcutta* ; except such part of the establishment of the Mofuffil Dewannee Adaulut at *Moorshedabad*, and of the Mofuffil Dewannee Adaulut at *Calcutta*, which was made for, and on account of a *Chutah* or inferior Court of Mofuffil Dewannee Adaulut.

V. THAT the Judges of the Mofuffil Dewannee Adauluts, respectively, may appoint the native Officers thereof, conformably to their respective establishments; except the *Naibs* of the *Nazirs*, and except the *Mirdahs* and the *Peons* ; and may, from time to time, remove any such Officer ; and may, from time to time, when any vacancy shall happen, appoint any other person duly qualified, to the office which shall become vacant. That each *Nazir*, from time to time, do appoint his own *Naib*, and the *Mirdah* and *Peons* of the court to which he shall belong ; and may, from time to time, remove such *Naib*, *Mirdah* and *Peons*, at his pleasure. And each *Nazir* shall enter into a *Mochulkah*, or penal obligation, in such sum as shall be required by the Judge of the Court to which he shall belong, for the good behavior

behavior of the *Naib*, *Mirdah* and *Peons*, so by him appointed. And the Judge of each *Mofuffil Dewannee Adaulut* is hereby authorized to require, not only a *Mochulkah* from such *Nazirs*, but also *Mochulkahs*, and in such sums as he may deem proper, from the *Muniffs* and other native Officer and Officers of his Court.

VI. THAT so much of the resolution of the Governor General and Council, by which a *chutah*, or inferior, *Mofuffil Dewannee Adaulut* was erected at *Moorshedabad*, and at *Calcutta*; and which granted an establishment of Officers for the same, be annulled and revoked; and that to the several *Mofuffil Dewannee Adauluts* at *Patna*, at *Dacca*, and at *Moorshedabad* there be added the following Establishment of Officers:

6 <i>Muniffs</i> , or public Arbitrators, with a Salary for each of 50 Rs.	-	300
1 <i>Pailhear</i>	-	50
6 <i>Mohrirs</i> , one to be allowed to each <i>Muniff</i> , at 10 Rs. each.	-	60
1 <i>Moonshee</i> .	-	20
1 <i>Naib</i> .	-	15
1 <i>Buxie</i> .	-	20
Paper, Pens and Ink.	-	20

THAT the first *Muniffs* be respectively appointed by the several Judges of the Courts to which they shall belong; and shall, for reasonable cause, be removable from their respective offices by the Judge of the Court to which they shall belong. And if any vacancy or vacancies shall happen in the office of any *Muniff*, such Judge shall, from time to time, appoint one other person to be *Muniff*, in the room of the person making such vacancy.

VII. THAT the Register, Darogas and *Pailhears*; the *Moolavies*, *Pundits*, *Aumeens*, *Muniffs*, *Persian Serishtadar* or head *Moonshee*, the *Moonshees* and *Mohrirs* do take and subscribe, in open court, before the Judge of the *Mofuffil Dewannee*

nee Adaulut to which they belong, to the following Oath, *mutatis mutandis* :

"I A.B will truly and faithfully perform the office of (Register) of this Court, according to the best of my knowledge and ability." And that the Pundits do make and subscribe the following Declaration : *"I will faithfully execute the office of a Pundit in this court, on questions put to me in writing or by word of mouth by the said court, or any Judge thereof. What is in the Shaster I will declare, or give in writing : I will declare nothing not warranted by the Shaster. If I declare anything not warranted by the Shaster, I shall be deserving of punishment from Ishwor."*

VIII. THAT it be the duty of the Register, in each Mofuffil Dewannee Adaulut to assist the Judge thereof, by making translations into Persian of such papers as the Judge may require to be translated, and to do all other official acts, which may be prescribed to him by the said Judge. That the Daroga of each court do, after the rising of the court, procure all acts of the court to be executed, and do assist the Register in arranging and keeping the records, muniments and papers of the court ; but that he do not, in any other manner, on any pretence whatsoever, publicly or privately, interfere in any cause, matter, or thing depending before the court ; or which may be intended to be brought before the court. That the Judge of every court may allot and assign, to the respective officers of the court, the particular business, which shall be, respectively, done and performed by such Officers.

IX. THAT the said courts of Mofuffil Dewannee Adaulut, respectively, have full power and authority to frame and make standing rules and orders, and rules of practice for the administration of justice ; so that the same be not used, in the said courts, until they have been transmitted to the Sudder Dewannee Adaulut, under the seal of that court, and signature of the Judge of the court in which they shall have been framed ; and until they shall have been transmitted by the Sudder Dewannee Adaulut to, and shall have been approved and ratified by, the Governor General and Council ; and that such rules, so ratified and approved, shall be

be and become rules, not only of the said court which framed the same, but of all and every the courts of Mofuffil Dewannee Adaulut. That a copy of these rules and regulations be forthwith transmitted to the several Mofuffil Dewannee Adauluts, and that the Register of each court shall, on the receipt thereof in the court to which he shall belong, mark such copy with the day of the month and year, in which it shall have been received, and file the same of record; and shall, in like manner, mark and file of record every other copy of every standing rule or order, for the administration of justice, which may hereafter be made by the Governor General and Council, or the Sudder Dewannee Adaulut, with the consent and approbation of the Governor General and Council, which shall be transmitted to the Mofuffil Dewannee Adauluts: And that a separate book be kept, by the Registers, in which shall be entered a copy of these rules and regulations, and of such standing rules and orders, as aforesaid; together with the date when the same shall be respectively received; which said entries shall be severally authenticated by the signature of the Judge, and shall be and remain records of the court.

X. THAT so much of the resolution of the twenty eighth of march, one thousand seven hundred and eighty, as directs a Fee of two Annas per sheet, to be taken on every exhibit, be annulled and revoked; and that such of the Mofuffil Dewannee Adauluts, which have not transmitted to this board a Table of Fees to be allowed to the Officers and Clerks of such Courts, pursuant to the resolution of the sixth of April, one thousand seven hundred and eighty one, do forthwith transmit such a Table of Fees to this board, to be, by the Governor General and Council, controuled, altered, or approved; and that from such Tables of Fees, which have been, or shall be transmitted, one Table of Fees be framed by the Governor General and Council, which shall be transmitted to the several Mofuffil Dewannee Adauluts; and the Judges of the said Courts shall, within one week after they shall have received such Table of Fees, cause one copy thereof, in the English language, and a faithful translate thereof in the Persian and Bengal languages, written in a legible

legible hand, to be affixed in some conspicuous place, in the rooms where the said Courts shall be respectively held. And the several Officers, to whom any Fee shall be allowed by such Table, may, after the allowance thereof, demand and receive the same ; but that no Officer, or any person concerned in the administration of justice in any Mofuffil Dewannee Adaulut, do demand or accept any Fee or Fees, other than the Fee or Fees authorized by such Table ; or any other sum or sums of money, reward, or gratuity, on any pretence whatsoever, on the forfeiture of treble the value of such Fee or Fees unauthorized by such Table ; or of any sum or sums of money, or of any reward or gratuity, accepted or received, the same being duly proved, either to the satisfaction of the Court, to which such Officer shall belong, or of the Sudder Dewannee Adaulut.

XI. THAT the Mofuffil Dewannee Adauluts, respectively, shall have and use a Seal, on which shall be cut, in Persian Characters and in the Persian Language, the Name of that Court to which it shall belong ; which Seal shall be and remain in the custody of the Judge thereof.

XII. THAT the Jurisdiction, Power and Authority of the Courts of *Midnapore*, *Raugehaut*, *Patna*, *Masey*, *Derbungah*, *Taujepore*, *Nattore*, *Dacca*, *Sultanoe*, *Backergunge*, *Morely*, *Calcutta*, *Burdwan*, and *Moorshedabad* be distinct and separate from that of any persons, who now are, or hereafter may be, by what name-soever called, in charge of the Collection of the Revenues ; and of the persons now constituting, or who may hereafter constitute, the Committee of Revenue. And all such persons are hereby strictly charged, and commanded in no wise, and under no pretence whatsoever, to interrupt or interfere with any Process, Proceedings, Decrees, Executions, Acts, or Orders of any of the said Courts of Mofuffil Dewannee Adaulut, or any persons acting by, or under their authority ; and that the Jurisdiction, Power, and Authority of the Courts of *Chittrah*, *Boglepore*, *Islamabad*, and *Rungpore* shall be, and shall be considered, by the Judges thereof, as entirely distinct and separate from the Powers, and Duties of their Office of Collectors ; that

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as Collectors they be subject to the Orders and Controul of the Committee of Revenue ; that as Judges they be wholly independant of that Board, and subject only to the Orders of the Governor General and Council, and of the Judge of the Sudder Dewannee Adaulut; and shall do and perform all such matters and things, as are, or shall be required by the said Governor General and Council, or the Judge of the Sudder Dewannee Adaulut: That they shall transmit Copies of all their Judicial Proceedings as Judges to the Court of Sudder Dewannee Adaulut, to which an Appeal shall be, in like manner, as from the other Mofuffil Dewannee Adauluts, and act in every respect in conformity to the Rules, laid, or to be laid down for the other Judges of the Mofuffil Dewannee Adauluts, between whose Judicial situation and theirs, no other difference is intended to exist, except that their Courts will not require an Establishment equal to those, which are held by Company's Servants not employed in the Collections.

XIII. THAT the Mofuffil Dewannee Adauluts be respectively held in a large and convenient Room in that Town or Place, from which the said Courts are denominated, three days in every week, and oftener if occasion shall require, except in the Months of *Bhaudon*, *Auffin*, *Aughron*, and *Poose*; and that during the said Months no Court of Mofuffil Dewannee Adaulut be held; and that no Rule, Order, Proceeding, or Decree of the said Court be made, but on Court Days, and in open Court.

XIV. THAT so much of the Resolutions of the late President and Council, of the twenty first day of August, one thousand seven hundred and seventy two, and of a Resolution of the Governor General and Council of the twenty eighth of March, one thousand seven hundred and eighty, and every other Resolution, Rule, or Order of any former President and Council, or of the Governor General and Council, by which the Right of Succession or Inheritance to Zemindaries, Talookdaries, Chowdraies, other Land or House was excepted from the Jurisdiction of the Mofuffil Dewannee Adauluts, and reserved for the Decision of the President and Council, be
revoked.

revoked and annulled; and that the Matters, cognizable in the Mofuffil Dewannee Adauluts, respect being had to their local Jurisdiction, as is herein after described, be all Complaints, Causes, Suits, Claims, Disputes, concerning any Zemindaries, Talookdaries, Chowdraies; any Land or House, and concerning the Inheritance or Succession to the same; or the Bounds and Limits thereof; or any Right, Title, Claim, Demand, Interest or Lien to or in the same; or to the Possession thereof; and concerning Rents, Debts, Accounts, Contracts, Partnerships, Sales, or any Property of any nature whatsoever, be the same real or personal; and all Duties and demands whatsoever concerning the same, and all Causes and Disputes concerning Marriage and Cast.

XV. THAT every Court of Mofuffil Dewannee Adaulut be authorized, and be declared to have full Power, Jurisdiction and Authority, to hear, try and determine all, and every, the Suit and Suits, which have been, or may be commenced therein, for the several Causes above recited, where the Zemindary, Talookdary, Chowdray, other Land or House, concerning which, or the Lien or Interest of which, shall be in dispute, lie and be; and in all other cases, where the Cause of Action did, or shall arise; or the Defendant, at the time the suit commenced, did, or shall reside in the Country, District, or Place, over which the Jurisdiction of such Court is herein after declared to be extended.

XVI. THAT the Jurisdiction of the Mofuffil Dewannee Adaulut at *Midnapore* extend, and be declared to extend, in and throughout, as well the District of *Midnapore*, as the District of *Jellapore*: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Ranجهaut* extend, and be declared to extend, in and throughout, as well the District of *Pacheat* including the petty *Mahals*, as the District of *Bishenpore*: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Chittrah* do extend, and be declared to extend, in and throughout the Districts of *Ramgur*, *Palamow*, *Naugpore*, *Kindy*, *Curreekdea*, and *Chackye*: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Patna* do extend, and be declared to extend, in and throughout

throughout the Sircars of *Shahabad*, *Behar*, and *Rötas*: That the Jurisdiction of the Mofussil Dewannee Adaulut at *Masey* do extend, and be declared to extend, in and throughout, as well the *Sircar* of *Sarun* including *Huffipore*, as the *Sircar* of *Champan* including *Betteah*: That the Jurisdiction of the Mofussil Dewannee Adaulut at *Dertungah* do extend, and be declared to extend, in and throughout, as well the *Sircar* of *Tirhoot*, as the *Sircar* of *Hajipore*; and in and throughout that part of *Purnea* lying to the Westward of the *Coofah* River, and that part of the *Boglepore* District, situated to the Northward of the *Ganges*: That the Jurisdiction of the Mofussil Dewannee Adaulut at *Taujepore* do extend, and be declared to extend, in and throughout the Districts of *Havely Penjerah*, or *Dinagepore*, the Districts of *Purnea*, excepting that part of it to the Westward of the *Coofah*, the District of *Maldivar*, and all that part of the *Ragemahal* District, situated to the Westward of the *Ganges*: That the Jurisdiction of the Mofussil Dewannee Adaulut at *Boglepore* do extend, and be declared to extend, in and throughout that part of the District of *Ragemahal* to the Westward of the *Ganges*, that part of the *Boglepore* District to the Southward of the *Ganges*, the District of *Mongheer*, lying all to the Southward of the *Ganges*, and the Purgunnahs of *Sultanabad* and *Ammar*, being the present extent of the Collectorship; excepting such parts thereof as lie to the Northward, and Eastward of the *Ganges*: That the Jurisdiction of the Mofussil Dewannee Adaulut at *Rungpore* do extend, and be declared to extend, in and throughout the Districts of *Rungpore*, including *Beharbund*, and the District of *Rangamatty*, *Goragaut*, and *Bajoohow* or *Bazuha*, *Seroopore*, *Pattlatah* and *Beterbund*: That the Jurisdiction of the Mofussil Dewannee Adaulut at *Nattore* do extend, and be declared to extend, in and throughout the Division of *Silberries*, containing the Purgunnahs of *Silberries* proper, *Barbuckpore*, *Chowgong*, *Chowra-Bihar* &c. *Deyteah* &c. *Atteah*, *Burbazoo*, *Cogmary* and *Sonkny*; and in and throughout all those parts of the late *Zillah* or Division of *Moorshedabad*, that are situated to the Northward of the *Puddah*, or eastern branch of the *Ganges*; the principal

cipal of which are the District of *Bettoreah*, including also that small portion of it which is situated to the Southward of the *Puddah*, the Purgunnahs of *Pookareah*, *Rokunpore*, *Lushkerpore*, *Chundly*, *Jehangueerpore*, *Colligong*, *Tahirpore*, *Messedah*, *Hattindah*, *Futtajungpore*, *Mankowar*, *Cossimpore*, and *Khirbah*; together with such other unspecified parts of this Division, as lie to the Southward of the River; except the Annexations made to the Jurisdiction of *Rungpore*: That the Jurisdiction of the Mofuffil Dewannee Adaulut of *Sultanoe* do extend, and be declared to extend, in and throughout all *Sylhet*, and that portion of the *Dacca* Province, which is situated to the Northward of the *Burrampooter* and the *Teetafs*: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Dacca* do extend, and be declared to extend, in and throughout that portion of the *Dacca* Province bounded, on the North by the Rivers *Teetafs* and *Burrampooter*, to the East by *Tepperah* and *Chittagong*, to the West by the River *Megna* as far as *Chundpore*, and thence to the North-west by the *Colly Gonga* and the *Ganges* or *Puddah*; to *Boofnah* on the West, and the Districts that form the eastern Boundary of the Jurisdiction of the Mofuffil Dewannee Adaulut at *Natore*: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Backergunge* do extend, and be declared to extend, in and throughout that portion of the *Dacca* Province lying to the South-west of the *Ganges* or *Puddah* and the *Colly Gonga*, and to the West of the *Megna*, from *Chundpore* to the Sea; having for its western Limits the eastern Frontier of the Districts of *Boofna*, and *Jessore*, down to the Mouth of the River of *Roymungal*, including also all the Islands belonging to, and situated on the Coast of the *Dacca* Province; except the Purgunnah of *Sundee* and its Dependencies: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Islamabad* do extend, and be declared to extend, in and throughout the Districts of *Chittagong*, *Tipperah*, and the Purgunnah of *Sundee* with its Dependencies: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Morely* do extend, and be declared to extend, in and throughout the Districts of *Boofna*, *Shawujeal* and *Jessore*; and in and throughout the Purgunnahs of

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Mahomed Shahy and Seydpore: That the Jurisdiction of the Mofuffil Dewannee Adaulut at *Calcutta* do extend, and be declared to extend, in and throughout the Purgunnah of *Kisnagore*, the *Chucklah* of *Hooghly*, including that of *Hidgelee*, and the Districts of the *Twenty-four Purgunnahs* and *Mahomed Aummeenpore*: That the Jurisdiction of the Mofuffil Dawannee Adaulut at *Burdwan* do extend, and be declared to extend, in and throughout the *Chucklah* or Purgunnah of *Burdwan*, including the District of *Sautsyka* and the *Tannah* of *Futwah*; and that the Jurisdiction of the Mofuffil Dewannee Adaulut at *Moorshedabad* do extend, and be declared to extend, in and throughout the Purgunnahs of *Beerbhoom* and *Rajeshy*, (exclusive of *Amar* and *Sultanabad*, annexed to the Jurisdiction of the Mofuffil Dewannee Adaulut of *Boglepore*, and *Sereepore* and *Pattladah*, and *Beeturbund*, annexed to the Jurisdiction of the Mofuffil Dewannee Adaulut of *Rungpore*) and in and throughout the Purgunnah of *Futteh-Sing*, and such remaining portion of the Division or *Zillah* of *Moorshedabad*, (excepting *Boosna*, the *Tannah* of *Cutwah* and *Shawujeal*) as is situated to the Southward of the *Puddah* or *Ganges*.

XVII. THAT if any Cause of Action shall arise, or shall have arisen, concerning any Zemindarry, Talookdarry, Chowdray, Land or House; or the Inheritance or Succession to the same; or the Bounds or Limits thereof; or concerning any Right, Title, Claim, Demand, Interest, or Lien to or in the same; or to the Possession thereof, where such Zemindarry, Talookdarry, Chowdray, Land or House shall be in, or near the Confines of the local Jurisdiction of any Mofuffil Dewannee Adaulut; or if any other Cause of Action shall arise, or have arisen; or if any Defendant, against whom any Suit is, or shall be commenced, in any Mofuffil Dewannee Adaulut, doth or shall reside in, or near the Confines of, the local Jurisdiction of any Mofuffil Dewannee Adaulut, and a Suit shall be commenced in any Court of Mofuffil Dewannee Adaulut, whose Confines are contiguous to the Confines of the Mofuffil Dewannee Adaulut to which such Suit might more properly belong, the Court, in which the Suit shall be first commenced,

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shall proceed in the same, and hear, try and determine, and execute such Decree in the same manner, as if the Zemindarry, Talookdarry, Chowdray, Land or House had been situate, or the Cause of Action had arisen, or the Defendant, in such Suit, had resided within the undisputed local Jurisdiction of such Court: And in such, and in every other Case where a Suit has been instituted in one Court of Mofuffil Dewannee Adaulut, in which such Suit is cognizable, it shall not be competent to any other Court of Mofuffil Dewannee Adaulut, although such other Court may have a concurrent Jurisdiction with the Court in which the first Suit was instituted, to entertain any Suit for the same Cause of Action; and Proof being made in any Court of Mofuffil Dewannee Adaulut, in which a second Suit shall be commenced on the same Cause of Action, that the prior Suit has been instituted in such other Court of Mofuffil Dewannee Adaulut for the same Cause of Action, the Court, in which the second Suit shall have been brought, shall dismiss the same with Costs to be paid by the Parties there suing.

XVIII. THAT so much of the Resolution of the Twenty-eighth of March, One thousand seven hundred and eighty, by which Jurisdiction, in all Causes which have any immediate relation to the public Revenue, is given to, and declared to be in the Provincial Council; and all other Resolutions whatsoever, by which any Jurisdiction hath, or may have been given to any Provincial Council; and so much of the same Resolution, by which any former Jurisdiction or Authority was given to, or continued in the Mofuffil Dewannee Adaulut of *Calcutta*, of, or concerning any Houses, Lands, Tenements and Hereditaments, situate, lying, or being within the Town of *Calcutta*; or over any Cause or Matter whatsoever, in any Suit whatsoever, where the Defendant, at the time the Suit commenced, resided in the Town of *Calcutta*; or any other Resolution or Resolutions whatsoever, by which any such Authority was given to the said Court; and all other Resolutions whatsoever, by which any Authority whatsoever, other than the Authority conveyed by these present Resolutions; except in Suits concerning Marriage or Cast, where

where no Money, or other valuable Thing be demanded or decreed; and so much of the Resolution of the twenty eighth of March, One thousand seven hundred and eighty, by which it was provided, that one Moiety of the Amount of a Bond, on which a greater Interest than the Interest specified in such Resolution, was reserved, should be forfeited to Government, and the other Half to the Debtor, be revoked and annulled. And that the Powers and Authorities, hereby given and deputed, do, in no wise, extend to, or be construed to extend to authorize any Court of Mofuffil Dewannee Adaulut, to entertain any Suit or Cause, for any Matter or Thing, directly or indirectly, relating to the public Revenue; nor concerning any Demand of Government on Zemindars, Talookdars, Chowdries, or other Landholders, Farmers, Muttahids, Wadadars, Securities, Aumils, Taffildars, Etmaumdars, or others employed in the Collections, or, in any wise, responsible for the Revenues; or any Demands of Zemindars, Talookdars, Chowdries, or other Landholders, Farmers, Muttahids, Wadadars, Securities, Aumils, Taffildars, Etmaumdars, or other Persons employed in the Collections, on their under Farmers, Malzamins, inferior Landholders and Collectors or others, from whom Rents or Revenues have been immediately due to them: Nor any Demands for Rents or Revenues on Persons employed in the Collection of them, officially or hereditarily, in the different Gradations downwards, from Government to the Ryots, or immediate Occupants of the soil; nor again, in the same manner, of any Complaints of Ryots and Persons, of any of the abovementioned Denominations, against the Persons to whom they pay Revenues in the different Gradations upwards, for irregular, or undue Exactions; nor for any Oppressions whatsoever; nor of, or concerning any Adjustments between Zemindars, Chowdries, Talookdars or other Landholders, with their Securities, Farmers, or Wadadars; nor any Claims of any Securities, Farmers, or Zemindars.

XIX. NOR to give any Decree in any Suit concerning the Succession or Inheritance to any Zemindarry, Talookdarry, Chowdray, Land or House, where
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there be more Claimants than one, who, by the *Hindoo* or *Mussulman* Law, (respect being had to the Religion of the Claimants) would be entitled to the same; except the same be, by such Decree, adjudged to all such Claimants, in such Portions as they shall be, respectively, entitled to by the Law of that Religion which the Claimants profess.

XX. NOR to authorize the Mofuffil Dewannee Adauluts to hear, try and determine any Suit whatsoever, against any Zemindar, Talookdar, Chowdry, or any other person, where the Cause of Action shall have arisen before the 19th. of August, One thousand seven hundred & sixty five; nor any Suit whatsoever, where the Cause of Action shall have arisen Twelve Years before any Suit shall have been commenced for the same; unless where the Complainant can shew, by clear and positive Proof, that he had made Demand of the Sum or Matter in Question, and that the Defendant had admitted the Truth thereof, or promised to pay the Money, or directly preferred his Claim for the Matters in dispute to a Court of competent Jurisdiction to try the same within that Period; and prove, to the Satisfaction of the Court, why he had not proceeded in the same; and that, either from a Minority, or other good and sufficient Cause, he had been precluded from the Means of procuring Redress: Nor any Suit against any Zemindar, Talookdar, Chowdry, or other Holder of Land, being Malguzarry, for any Sum of Money or other valuable Consideration; or any Debt, Contract or Duty contracted by his Predecessor, unless it shall be proved, to the Satisfaction of the Court, that the Money, originally lent, or arising from such other valuable Consideration, was for the Service of the Zemindarry, Talookdarry, Chowdry, or other Land, and actually paid to the Government as part of the Revenues thereof: Nor in case of Part having been paid, to Decree the Plaintiff more than such Part, with Interest for such Part, at the Rate herein after mentioned: Nor pass any Decree, in any Suit, against any such Zemindar, Talookdar, Chowdry or other Land-holder, on the Proof arising from any Bond, Note, or Instrument only, without direct Proof, to the Satisfaction

tion of the Court, that the principal Sum sued for, really, and *bona fide*, was lent and paid in Ready Money: Nor to decree any Interest on any Debt due from any such Zemindar, Talookdar, Chowdry, or other Land-holder, beyond the simple Interest of Eight *per Cent per Annum*, to be calculated from the time the Interest first began to accrue, to the Thirtieth of *Choit*, or the Thirtieth of *Bhadun* next ensuing the Date of the Decree, according to the Period, respectively established for the Close of the Year in the Province, or *Soubah*, to which the Zemindarry, Talookdarry, Chowdray, or other Land shall belong; so that the aggregate Sum, produced by the Interest thus added to the Principal, shall be, and shall be considered, the only Debt due from such Zemindar, Talookdar, or Chowdry or other Land-holder: Nor except the Decree do provide, that the same be paid by yearly Instalment, which the Judge, according to his Discretion, is hereby authorized to limit and appoint: Nor to authorize any Decree by which any Sum of Money is decreed to be paid by any such Zemindar, Talookdar, Chowdry or other Land-holder, to be otherwise enforced or executed, than in the Manner following; that is to say, the Judge shall cause a Copy of the Decree to be delivered to the Plaintiff or his Vakeel, who shall present the same to the Committee of Revenue, who are hereby required and commanded to cause the same to be registered, together with the Date of the Day on which it was presented, in the Sudder Canoon-goe Office; and to cause Payment of the current *Kist* to be made within three Months from the Time of its being presented; either in ready Money, if the Zemindar, Talookdar, Chowdry, or other Land-holder possesses either *Moshaira*, or any other Resource, which it shall be in the Power of the Committee to command; or if the Zemindar, Talookdar, Chowdry, or other Land-Holder, possesses no such Resource, then by Sale of such Portion of the Zemindarry, Talookdary, Chowdray, or other Land, as shall suffice to discharge the *Kist*, on the Plaintiff, or his Vakeel, signing a Receipt on the Back of the Decree for every Payment; and also a correspondent Receipt to be lodged with the Defendant, and registered in the Canoon-goe

noongoe Office; and on the Plaintiff or his Vakeel, when the last Payment shall be made, delivering up to the said Committee the Copy of the Decree, with all the Receipts endorsed on the same in the Manner heretofore prescribed, together with a Receipt in full, which said Copy of the Decree and Receipts the said Committee are thereupon required to cause to be deposited and kept among the Muniments of the Canoongoe Office: Nor concerning any Debt, Contract, Bond, or other Engagement entered into, or concluded by any such Zemindar, Talookdar, Chowdry, or other Land-holder after the First of August, One thousand, seven hundred and eighty-one; unless it shall be proved to the Court, that the same shall have been contracted with the previous Sanction and Consent of the Committee of Revenue, and that a Note or Memorandum, specifying such Sanction and Consent, shall have been registered in the Sudder Canoongoe Office: Nor to any Debt, Contract, Bond, or other Engagement, entered into, or concluded by any such Zemindar, Talookdar, Chowdry, or other Land-holder, with any European, or with any native Officers employed in the Collection of the Revenues; or in any Courts of Justice, whether a Memorandum of the same be, or be not registered.

XXI. NOR to give any Decree in any Suit, where the Cause of action shall have arisen before the Twenty-eighth of March, One thousand seven hundred and eighty, by which any Interest on any Sum shall be given above the Rates following; viz. On Sums, not exceeding One hundred Rupees Principal, an Interest of Three Rupees two Annas per Menssem, or Half an Anna in the Rupee; on Sums above One hundred Rupees Principal, an Interest of Two Rupees per Cent per Menssem; so that the Principal and Interest be discharged according to the Condition of the Bond: Nor to give any compound Interest arising from any intermediate Adjustment of Accounts: Nor in any Suit commenced since the Twenty-eighth of March, One thousand seven hundred and eighty, any higher Interest than Two per Cent per Menssem or Twenty-four per Cent per Annum, where the Principal Sum shall be under One hundred Rupees; nor more than one per Cent per Menssem, or
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Twelve per Cent per *Annum* where the Principal Sum shall exceed One hundred Rupees: Nor any Interest whatsoever, where the Bond, or Instrument given for the Security or Evidence of any Debt, Contract, or Engagement, if made before the Twenty-eighth of March, One thousand seven hundred and eighty, shall specify a higher Interest than the Rates established for Debts and Duties due before that Period: Nor, if such Bond or Instrument shall have been made after the Twenty-eighth of March, One thousand seven hundred and eighty, any higher Rate of Interest than that established for Debts and Duties since that Time: Nor to give any Decree in favour of the Plaintiff, where such last mentioned greater Interest shall have been reserved, if any Attempt shall be made, by any Shift or Device, to elude this Regulation, by any Deductions from the original Loan, under whatever Denomination, or any other Means whatsoever; nor any other Judgment, but for the Dismissal of the Suit with Costs, to be paid by the Plaintiff.

XXII. NOR to Decree the Payment, or Satisfaction of any Sum due, or owing on any *Tamassook* or Bond, which shall have been made after the Twenty eighth of March, 1780, where the *Tamassook* or Bond shall not have been proved to have been executed in the Presence of two credible Witnesses; except the Payment of the Sum demanded on the said *Tamassook* or Bond, or some other valuable Consideration for the same having been had or received, shall be proved to the satisfaction of the Court; so that this Restriction do not extend to, or be understood to extend to, any Bills of Exchange, Receipts, or Notes of Hand, in the Determination on which, the Custom of the Country is to be referred to, and abided by.

XXIII. NOR to authorize the Mofuffil Dewannee Adawlut at *Calcutta* to receive, or entertain any Suit whatsoever, under any Pretence whatsoever, brought on Account of, relating to, or in any wise concerning, any Land, House, Tenement or Hereditament; or any Dispute of Boundaries of Lands, Houses, Tenements or Hereditaments, situate, lying and being within the Town of *Calcutta*; (which, for the Purpose of these Regulations, is hereby declared to be situate and contained within, &
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bounded by a Line drawn by the Bridge and *Nulla* of *Baug Bazar*, *Shaum-Bazar* or Cow-Cross, the *Mahratta* Entrenchment and the Road adjoining the same, continued to the Westward of the *Callighaut* Road, the *Govindpore Nulla*, and the River); or any Suit whatsoever, against any Person who shall be, at the Time the Suit commenced; or shall, after the Suit commenced, become Resident in, and Inhabitant of the said Town. And the said Court of Mofuffil Dewannee Adaulut at *Calcutta* is hereby strictly ordered and commanded, in no wise to intermeddle with, or take Cognizance of such Suits as aforesaid, which are totally exempt from any Jurisdiction, which, by these Resolutions, was delegated and deputed to the said Court: Provided, nevertheless, that this Resolution do not, nor be construed to extend to prohibit the Mofuffil Dewannee Adaulut at *Calcutta* to entertain any Suit concerning Marriage and Cast, where no Money, or other valuable Thing shall be demanded or decreed, altho' the Cause of Action shall arise, or shall have arisen, or the Defendant shall reside, or shall have resided, at the time the Suit commenced, within the Town of *Calcutta*.

XXIV. NOR to authorize any Mofuffil Dewannee Adaulut to hold any Jurisdiction in any Cause, Matter or Thing of a criminal Nature, and which is cognizable by the Courts of *Fouzdarry Adaulut*, other than for Contempts and Perjuries committed in open Court, and in the manner herein after provided.

XXV. THAT any Person whatsoever, by himself or his *Vakeel*, may, for any of the Causes hereby made or declared to be cognizable by the Mofuffil Dewannee Adauluts, prefer a Complaint in Writing to that Court of Mofuffil Dewannee Adaulut, to which the Cognizance of his Cause shall belong; whereupon the said Court shall issue a *Tullub Chitty*; which *Tullub Chitty* shall contain a short Account of the Nature of the Demand contained in the Complaint, and shall require such Person to appear at a certain Time in the Mofuffil Dewannee Adaulut, to make Answer to the said Complaint; a Copy of which *Tullub Chitty* shall be served by the *Nazir*, or his inferior Minister, on the Defendant, if he can be found; and the

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Nazir, or his inferior Minister, shall enforce Obedience to the same, by compelling such Defendant to appear: Or the said Court may authorize the *Nazir* to take Security, in such Sum as the Court may direct, for the Appearance of such Defendant. And the *Nazir* shall return, on the Day appointed in the *Tullub Chitty*, the *Tullub Chitty*, with an Endorsement thereon specifying in what Manner he hath executed the same; and if the Defendant shall appear, the Court shall fix a certain Day, according to the Discretion of the Court, for him to make Answer to the said Complaint; and may, if the Court shall deem it reasonable so to do, grant further Day or Days for the Defendant to make Answer; and may take good and sufficient Security, that the Defendant shall, on the Day fixed, make Answer to the said Complaint, and shall abide, and perform such Order or Decree, as by the Court shall be made in the Cause: And unless such Defendant shall find such good and sufficient Security, he shall be committed to close Custody until he shall have answered and performed the Decree of the Court, or given such Security as aforesaid. And when the said Defendant shall have made Answer to the Complaint, the Plaintiff shall, on the next Court Day, reply to the same; but shall not be permitted to introduce, by his Replication, any Matter whatsoever, which was not contained in his Bill of Complaint; but shall either confess the Answer of the Defendant to be true, or shall simply and shortly deny the Truth of such Facts contained in the Answer which he intends to dispute; or simply deny the Truth of all the Facts contained therein, or the Competency of the Answer. And the Defendant shall, on the same Day, immediately rejoin to the same; but shall not be permitted to introduce, by his Rejoinder, any Matter not contained in his Answer; but shall simply deny the Truth of the Replication of the Plaintiff, or such Parts as he means to dispute, and aver the Truth or Competency of his own Answer; and no further Pleadings whatsoever shall be admitted in the Cause. But if, by mistake or Inadvertence, or any other Cause, the Plaintiff shall have omitted to insert in his Complaint any thing material in the Cause, on stating the same to

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the Court, either by himself or his Vakeel, the Court may permit the Plaintiff to prefer a supplemental Complaint, stating such Matter; to which the Defendant shall be at liberty to put in, on a Day to be fixed for that purpose, another Answer; and the Plaintiff and Defendant shall reply and rejoin in the same manner and no other, as they shall have done on the original Complaint. And if the Defendant, in like manner, shall, by Mistake or Inadvertence, or any other Cause, have omitted to insert in his Answer anything material to his Defence, on stating the same to the Court, either by himself or his Vakeel, the Court may permit the Defendant to put in an additional, or supplemental Answer; to which the Plaintiff and Defendant may reply and rejoin, in the same manner and no other as they shall have done in the original Answer; so that no more than one supplemental Complaint, or one supplemental Answer be admitted or received by the Court. And in all Cases where the Defendant shall refuse or neglect to rejoin, at the time appointed for that Purpose, the Register of the Court shall enter a Rejoinder for him, and the Cause shall be proceeded on in like manner as if the Defendant himself rejoined. And when the Rejoinder shall have been put in, and the several Causes thereby be thus in issue, the Court shall immediately fix a Day, and shall, on the Day fixed, (eight Days Notice whereof shall be given to the Parties) or as soon after as the Business of the Court will permit, examine the Truth thereof by the Oaths of the Parties, if they mutually consent to the same; and of such Witnesses as shall be produced by both Parties, if such Parties have any Witnesses to produce; and for that purpose the Courts of Mofuffil Dewannee Adaulut may, on the Requisition of any Plaintiff or Defendant, or their Vakeel, issue a Summons to such Witness, as the Parties shall name, (not being a *Hindoo* or *Mussulman* Woman of a Rank or Quality which, according to the Prejudices of the Country, would make it improper to compel her to appear in an open Court of Justice) specifying at whose Request the Summons shall have issued, and requiring them to appear in the Mofuffil Dewannee Adaulut, on a Day named in

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the Summons, there to depose concerning the Matter in Dispute between the Parties; and if such Witness, so summoned, shall not attend on the Day appointed, or, attending, shall refuse to give Evidence or to subscribe his Deposition, as is herein-after required, the Judge of the Mofuffil Dewannee Adaulut may, in the first Case, if it shall be proved to his Satisfaction on Oath, that the Witness was material to the Cause, issue an Order to the *Nazir* to seize and bring such Witness, not attending before the Court, and shall and may inflict on such Witness, not having attended, or refusing to give Evidence, a Fine not exceeding Five Rupees; and may commit such Witness to close Custody, until he shall consent to give his Evidence and sign his Deposition in the Cause; and if any Witness shall, in Consequence of such Summons, appear, who shall have incurred any Expence in Consequence thereof, the Court may award to him such Sum of Money for the same as the Court shall think reasonable, be the Witness examined or not: And if the Sum, so awarded, shall not be paid immediately, or secured to the Witness to the Satisfaction of the Court, the Party, at whose Requisition the Witness was summoned, (if such Party and two credible Witnesses shall not have taken the Oath hereafter required in Cases of poor Persons not able to pay the Deposit Money, Fees due to Officers and Costs) shall not only lose the Benefit of the Testimony of such Witness, but shall be compelled to pay such Witness the Sum so awarded; and for that Purpose, after the Decree shall be past in the Cause, shall, by Order of the Court, be committed to close Custody until he shall have paid the same. And the Mofuffil Dewannee Adaulut shall administer to such Parties, so consenting to be examined on Oath, and to such Witnesses such Oaths as, according to their different Religions and Persuasions, shall be deemed most binding on their Consciences; provided, that where any Witness or Witnesses may be of such Rank, Cast or Quality, that it may be, from the Prejudices of the Country, improper to administer an Oath to them, the Judge of the Court may dispense with their being sworn on their subscribing a Declaration to the following Effect; to wit, if the

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Witness be an *Hindoo*: "*I will faithfully answer such Questions as shall be put to me by the Court, in the Cause now before the Court, according to the Truth; I will declare nothing not warranted by the Truth; if I declare anything not warranted by the Truth, I shall be deserving of Punishment from Ishwur.*" And in case such Witness be a *Mussulman*: "*I do sincerely promise and swear, in the presence of Almighty God, that I will faithfully, without partiality, answer any Question, put to me by the Court, respecting the Cause now before the Court, according to the Truth.*" And the Testimony and Deposition of such Witness or Witnesses, so subscribing, shall be read and received as good Evidence in the Cause, and be filed and recorded in like Manner as if the Witnesses had been sworn. And the Court shall cause the Deposition of every Witness to be separately reduced into Writing, and to be subscribed by the Witness with his or her Name or Mark, and to be filed of Record. And every Exhibit or written Evidence whatsoever (other than Exhibits proved by such absent Witnesses as are herein-after mentioned) shall be produced in open Court at the Trial, and shall, if disputed, be duly proved by the Examination of Witnesses sworn as aforesaid; whose Depositions shall, in like manner, be reduced into Writing and signed as aforesaid. And every Exhibit shall be marked with some Letter or Number to identify the same; and such Letter or Number shall be referred to in the Deposition proving the same. And all Exhibits, proved by Witnesses not present in Court as aforesaid, shall, in like manner, be marked and referred to in the Depositions proving them; and shall be endorsed and minuted as being read at the Time they are read in the Court. And in Case of any Witness being a *Hindoo* or *Mussulman* Women, of a Rank or Quality which, according to the Prejudices of the Country, would make it improper to compell her to appear in an open Court of Justice, the Courts of Mofuffil Dewannee Adaulut are hereby authorized to depute or commission three credible Persons, being Women, who shall be called *Dyes* (such Women being first sworn to execute the said Commission faithfully and truly) to administer, either an Oath, or such declaration as is before
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required from Persons of high Rank, according to the Discretion of the Judge and the Religion of the Witness; and to examine such Witness, on written Interrogatories delivered to the Persons, so deputed by both Parties or their Vakeels, if both Parties shall desire to examine such Witnesses. And, in like Manner, if any Witness or Witnesses, whose Depositions shall be necessary to the Determination of any Cause, shall live and reside out of the Jurisdiction of the Mofuffil Dewannee Adaulut in which the Suit is instituted, and at a greater Distance from the same than 50 Cofs, the Judge of the Court of Mofuffil Dewannee Adaulut is hereby authorized, by Letter signed by himself and sealed with the Seal of the Court, to request the Judge of the Mofuffil Dewannee Adaulut, in whose Jurisdiction such Witness or Witnesses shall live and reside, to administer either an Oath, or such Declaration as is before required from Persons of high Rank, according to the Discretion of the Judge who shall grant such Commission, and the Religion of the Witness; and to examine such Witness on written Interrogatories delivered or transmitted to the Judge, so deputed by both parties or their Vakeels, if both Parties shall desire to examine such Witness. And the Judge, to whom such Letter is directed, is hereby authorized and required to examine each Witness, named in such Letter, according to the Requisition thereof and the Person so commissioned; and the judge, to whom such Letter shall be directed, shall return the Depositions of such Witnesses, signed by such Witnesses, to the Judge of the Court, in which the Cause is depending, at the Time required by the Commission or Letter; and such Depositions, so taken, shall be read and received as good Evidence in the Cause, and shall be filed of Record; and when the Parties shall have been heard, and all the Witnesses on both sides examined, shall give Judgment, and shall decree according to Justice and Right; and if Money be ordered to be paid by such Decree, such Judge may, by his Decree, award the Payment thereof to be made, by *Kist-bundy* or Instalment, from the Defendant, and direct, that the several *Kists* or Instalments shall be paid according to the respective Times limited thereby: And,
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if the Interest on any Loan has accumulated so as to exceed the Principal, may, according to his Discretion on the Review of the Circumstances of the Debtor, decree the Payment of the Debt according to this known and established Custom of the Country; namely, where the Interest has accumulated so as to exceed the Principal, to reduce it to one Half of the Principal; or where the Interest has exceeded one Half of the Principal to reduce it to a Quarter; and shall order Costs to be paid to the Party, in whose favor the Decree shall be made, such Costs having been first taxed by the Judge of the Court; and the said Court shall cause the Decree to be executed, in case any Zemindarry, Talookdarry, Chowdray, other Land or House be decreed to the Plaintiff, by causing Possession of the same to be delivered; and in case of any other Property being decreed to the Plaintiff, by ordering the specific Thing to be delivered, or by causing the Value of the Sum, or other Thing decreed, to be levied by Sale of the Lands and Houses being *Lake-rage* or free Land; and of all other the Effects, either real or personal, of the Party against whom Judgment shall have been given, by public Auction or by attachment of the Person; or, where it shall be necessary, both by Sale of the Effects and Attachment of the Person: Provided, nevertheless, that in every Case whatsoever, when any Decree shall be made concerning the Succession or Inheritance to any Zemindarry, Talookdarry, Chowdray or other Land being *Malguzary*, or in any wise concerning the Possession thereof, the Judge of the Court, in which such Decree shall be made, shall, within one Week after making such Decree, certify to the Governor General and Council, under his Hand and the Seal of the Court, a copy of such Decree, and also a short Abstract thereof specifying the Time when the same was made, the Name of the Person who was last in Possession of the Zemindarry, Talookdarry, Chowdray or other Land, and of the Person to whom the same shall be decreed.

XXVI. THAT if any Suit be instituted in any Mofuffil Dewannee Adaulut, to which *Munsiffs* are hereby, or shall hereafter, be appointed, and the Cause of
Action

Action shall not exceed the sum of 200 Sicca Rupees, it shall be competent to the Judge of the Court, with or without the Consent of the Parties, to refer the said Suit to one Arbitrator for his final Decision and Award; and the Judge, before he shall make such Reference, shall, in open Court, require the Parties or their Vakeels, on or before the next Court Day, mutually to choose some one common Friend, or indifferent Person, willing to accept the Arbitration; or to nominate one Person from among the *Munsiffs* to be Arbitrator in the Cause. And if the Parties shall agree in the Nomination of an Arbitrator willing to accept the Arbitration, or shall nominate a *Munsiff* to be Arbitrator, the Person chosen, or nominated, shall be the Arbitrator in the Cause; and in default of the Parties, so mutually choosing or nominating, or in Case the common Friend and indifferent Person mutually chosen should refuse to accept such Arbitration, the Judge shall, of his own Authority, appoint one Person from among the *Munsiffs* to be Arbitrator in the Cause; and the Arbitrator so being chosen, nominated or appointed, the Judge of the Court shall transmit to such Arbitrator a Copy of the Bill of Complaint, and shall, by a short Writing under his Signature, refer all Matters in Dispute to such Arbitrator; and in such Case the Court shall grant the like Process as well to the Parties and Witnesses to appear before such Arbitrator, and shall administer such Oath to the Parties and Witnesses, as the Court is authorized to do in Causes tried before the Judge thereof: And the several Persons, not attending in consequence of such Process, or making any Default, or refusing to give their Testimony or sign their Depositions, or being guilty of any Contempt to the *Munsiff* in the executing of his Office, shall be subject to like Disadvantages, Penalties and Punishments, by Order made by the Arbitrator, as they would incur for the same Causes in Suits tried before the Judge of the Court; so that the Arbitrator do report such Order, together with the Reason for making the same, to the Judge of the Court, and do obtain the Consent of the Judge thereto; which shall be signified by such Judge signing such Order with his Name. And such Arbitrator

Arbitrator shall hear, try, and determine such Suit, so referred, so that he do proceed in like Manner (or as near as may be) as Judges in Mofuffil Dewannee Adaulut are directed to proceed in Causes tried by them; and shall make and deliver in his Award on a Day to be fixed by the Judge of the Court, who is hereby authorized, if he shall see reasonable Cause, to prolong and enlarge, according to his Discretion, the Time of delivering in the Award; and when such Arbitrator shall have made his Award, he shall refer the same, together with a summary State of the Case, in writing under his Signature and Seal, to the Judge, who shall revise and correct, or confirm such Award, and sign the same with his own Name; and such Award, so corrected or confirmed, shall be final and conclusive on the Parties, and shall be entered and recorded in the Proceedings of the Cause. And the Judge of the Court shall make his Decree conformable to such Award; and such Arbitrator shall, at the Time of the delivery of his Award, deliver into the Register of the Court the Whole of the Proceedings, Depositions and Exhibits had before him, which shall be marked by the Register with the Names of the Parties in the Cause, and the Date when the same was delivered, and shall be deposited among the Muniments of the Court; and the Decree made thereon shall be carried into Execution in the same Manner as other Decrees are directed to be executed.

XXVII. THAT where any Suit shall be commenced in any Mofuffil Dewannee Adaulut, where the Cause of Action shall not exceed 100 Rupees, the Judge may recommend to the Parties to appoint some Person, whom they shall mutually agree on to be Arbitrator in the Cause, on or before the next Court Day; and if such Parties shall neglect or refuse to appoint such Arbitrator, the Judge of the Court may appoint the Zemindar, or some public Officer or principal Man, near the place where the Cause of Action shall have arisen, to be Arbitrator therein; and such Person, mutually chosen, or such Person so appointed, shall report his Award at a Time to be fixed by the Judge of the Court, who shall peruse the same; and, if he shall approve thereof, shall order it to be entered of Record, and decree
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according thereto; and if he shall disapprove the same, then make such Alteration therein as Justice shall require, and shall record such Award, so altered, and make his Decree according thereto.

XXVIII. THAT the Mofuffil Dewannee Adaulut be authorized and empowered to make such other Orders in the Course of the Cause, as Justice may require.

XXIX. THAT where any Defendant to any Suit in any Mofuffil Dewannee Adaulut shall be committed to close Custody, at the Instance of the Plaintiff, for any other Cause than Disobedience to an Order of the Court, and until such Time as he shall have obeyed, the Judge shall, at the Time of the Commitment of such Defendant, make an Order on the Plaintiff for the due Payment of such monthly Allowance as the Judge shall think reasonable for the Subsistence of the Defendant, respect being had to the Rank of the Defendant, and Circumstances of the Plaintiff; so that no such Allowances shall exceed the Sum of Four *Annas*, or be less than One *Anna* per Diem; which said monthly Allowance shall be made payable to the *Nazir*, who shall give Receipts to the Plaintiff for the same, dated on the Day on which such Monthly Allowance shall be paid; the first Payment whereof shall be made immediately, and every Payment after shall be paid at the Expiration of every Month, to be calculated from the Day on which the Defendant was committed. And if such Plaintiff shall neglect or refuse to pay such Allowance for the space of one Month after any Payment shall become due, the *Nazir* shall make a Report to the Judge in Writing, and under his Signature, of such Neglect or Refusal, whereupon the Judge of the Court shall cause a Notice in the Persian and Bengal Languages to be affixed in some conspicuous Place in the Room where the Adaulut is holden, that if the Plaintiff shall not, within one Month after the Date thereof, make such Payments as are in Arrear, together with one Month's Allowance, the Court will discharge such Defendant out of Custody: And if such Plaintiff shall not make such Payments, as by the Notice he is required to make, the Court shall discharge such Defendant out of Custody.

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XXX. THAT

XXX. THAT if any Defendant, against whom a *Tullub Chitty* shall have issued, shall have absconded, or is not, after diligent Search, to be found; and the *Nazir* shall have returned such Cause for not having served the same, the Judge of the Court shall cause a Writing in the Persian and Bengal Languages to be stuck up in some conspicuous Part of the Room in which the Court shall be held; which Writing shall contain a Copy of the *Tullub Chitty*, and a Notice, that if the Party shall not appear on a Day to be fixed, (not less than Ten Days from the Time that the same shall be fixed up) the Court will, without further Notice, Process, or Order, proceed to hear, try, and determine the Cause without the Appearance or Answer of the Defendant. And the Court shall order a Copy of the said *Tullub Chitty* and Notice to be read, and proclaimed by beat of *Dowl* or Drum, in the Village in which the Defendant last resided, on three several Days within the time limited by such Notice for the Appearance; and the *Nazir* shall return such Order with an Endorsement stating at what Times and Place such Proclamations were made, which shall be filed of Record. And if such Defendant, on whom no *Tullub Chitty* can be served, after such Notice and Proclamation, shall not appear at the Time limited in such Notice; or if any Defendant, having been served with such *Tullub Chitty*, shall not appear; or if, having appeared, he shall refuse to give Answer or make other Default, or shall admit the Truth of the Plaintiff's Bill of Complaint, the Court shall, on Examining the Allegations of the Plaintiff only and the Depositions of his Witnesses, decree and give Judgment in like manner as if the Defendant had appeared, answered, and entered into Proof. And if the Plaintiff shall, at any time, neglect to proceed in his Cause for the Space of six Weeks, the Cause shall be dismissed; except the Plaintiff can shew good and sufficient Cause to the Court for his not proceeding therein; and the Court may award to the Defendant such Costs as he may have incurred in such Suit. In case any Defendant, for whose Appearance Security shall have been taken, shall not appear, or, having appeared, shall refuse to give Answer, the Plaintiff may, at his

his Option, either institute a Suit against the Securities on their Engagement, in which Suit shall be recovered that which shall be proved due from the Defendant to the Plaintiff; or proceed against the Defendant in like manner as Defendants may be proceeded against who have been served with a *Tullub Chitty*, and who have not appeared, or who have refused to give Answer.

XXXI. THAT so much of the Resolutions of the 28th. of March 1780, which authorizes the Chief of any Provincial Council, or any other Person, to issue his Warrant for Apprehending any Person, whom he may require to Answer any Charge in the Mofuffil Dewannee Adaulut, and which prohibits the Superintendent of any Mofuffil Dewannee Adaulut to summon from the Mofuffil Farmers, or Zemindars, or Persons employed in the Collections immediately under the provincial Councils, but to order their Vakeels to appear; and, in case of their not sending Vakeels, requiring the Superintendent of the Adaulut to make Application to any Chief and Council; and which authorizes such Chief and Council to summon such Farmer, Zemindar, or Collector, or to decline so to do; and so much of the same Resolutions that lay Restrictions on the Superintendants of the Mofuffil Dewannee Adauluts in summoning inferior Persons from the Mofuffil, and which require that the *Tullub Chitty* or Order should be directed to the Farmer requiring him to produce the Person summoned; and all other Resolutions of the late President and Council, and of the Governor General and Council, in any wise concerning and relating to the issuing of Process to any Party or Witness whatsoever, be annulled, and revoked: And that every Process, Rule, Order or Decree of the Mofuffil Dewannee Adaulut (except in the Case hereby otherwise provided for) shall be immediately served or executed without Application to, or the Interference of any Person whatsoever according to the Requisition thereof: Provided, that in every Case where any Zemindar, Talookdar, Chowdry, or other Land-holder, or Person employed in the Collections, under what Name soever, immediately under the Committee of Revenue, or any Collector of the Revenue, or any *Hindoo* or *Mussulman*

Mussulman Woman of a Rank or Quality, which, according to the Prejudices of the Country, would make it improper to compel her to appear in an open Court of Justice, shall be Defendant, it shall not be competent to any Judge of any Mofuffil Dewannee Adaulut to issue any *Tullub Chitty*, or other compulsory Process, against such Defendant, to compel such Defendant to appear and make Answer; but shall, in lieu thereof, issue a Summons requiring such Defendant to appear by him or herself, or by his or her Vakeel, at a certain Time to be named in such Summons to appear in the Mofuffil Dewannee Adaulut and make Answer to the Complaint, and abide such Orders of the Court as shall be made in the Cause; which shall be directed to the *Nazir* of the Court, and shall contain a short Account of the Nature of the Demand contained in the Complaint, together with a Notice, that if such Defendant shall not appear, as required by the Summons, at the Time limited therein; or, having so appeared, shall not give Answer to the Complaint at such Time as shall be fixed by the Court; or make other Default, the Court will proceed to hear, try and determine the Cause as if he or she had appeared, answered, and done such Things as he or she might have done in Defence of the Suit. And such Summons shall command the *Nazir* to deliver a Copy thereof to such Defendant, being any Zemindar, Talookdar, Chowdry, or other Land-holder or Person so employed as aforesaid in the Collection of the Revenues; and if such Defendant be such Woman as aforesaid, shall deliver a Copy thereof to the Dewan, or some principal Servant of such Woman, and in such manner to Summon such Defendant to appear, at the Time named in the said Summons, in the Mofuffil Dewannee Adaulut, to make answer to the said Complaints, and to abide such Orders as the Court may make in the Cause; and the *Nazir* shall serve such Summons in the Manner herein directed, and in no other Manner; and shall not make use of any Force or Compulsion to enforce the same; and shall return, on the Day appointed for the Appearance of such Defendant, the Summons with an Indorsement thereon specifying in what Manner he hath executed the same, if he hath

hath executed the same; and if he hath not, the Reason why he hath not executed the same; and if such Defendant shall appear, the Court shall fix a certain Day, according to the Discretion of the Court, for him or her to make answer to the said Complaint: And the Court shall appoint such Days for pleading, and the Parties shall plead in such Manner; and the Court shall hear, try, and determine in like Manner as in Suits instituted against Persons not being Zemindars, Talookdars, Chowdries, or other Land-holders, or Persons being employed in the Collections, or such Woman as aforesaid: Or if such Summons shall have been issued, and such Defendant, being a Zemindar, Talookdar, Chowdry, or other Landholder, or Person employed in the Collection of the Revenue as aforesaid; or the Dewan, or other principal Servant of such Defendant, being such Woman as aforesaid, shall abscond to avoid the service thereof; or shall not, after diligent Search and Inquiry, be found, so that such Defendant can be summoned as is hereby directed, the Judge of the Mofuffil Dewannee Adaulut, on the Return of such Summons and the Proof of such Facts by Oath being made before him, shall proceed against such Defendant in like Manner as the Courts of the Mofuffil Dewannee Adaulut are directed to proceed against a Defendant who shall have absconded, or who, after diligent Search, cannot be found, so that a *Tullub Chitty* can be served upon him. And if such Defendant, on whom no Summons can be served, after such Notice and Proclamations as aforesaid having been made, shall not appear, or appearing shall neglect or refuse to give Answer, or make other Default, or shall admit the Truth of the Complaint, the Court shall, on examining the Allegations of the Plaintiff only and the Depositions of his Witnesses, decree and give Judgment in like manner as if such Defendant had appeared, answered, and entered into Proof.

XXXII. THAT it be competent to any Court of Mofuffil Dewannee Adaulut, in which any Suit shall be commenced, to issue *Tullub Chitties*, Summons and other Process, as well to the Parties and Witnesses as other Persons, and all orders for
Execution

Execution of Decrees, and all other Orders whatsoever, not only in and throughout the local Jurisdiction of that Court in which the Suit is instituted, but in and throughout the local Jurisdiction of each and every the Mofuffil Dewannee Adauluts heretofore and hereby established; and the Officers of the Court, from which the same shall issue, are hereby authorized to serve and execute the same accordingly, without any Let or Hindrance from any Court of Mofuffil Dewannee Adaulut, or the Judge or Officers thereof, or of any other Person or Authority whatsoever.

XXXIII. THAT if any Zemindar, Talookdar, Chowdry, or other Land-holder, or any Person, being a Native and employed, under any Denomination whatsoever, in the Collection of the Revenue under the Committee of Revenue, or any Person or Persons who has or have, or hereafter may have, the general Charge of the Revenues, or Charge of the Revenue in any particular District, shall resist, or cause to be resisted, any Process, Order, Rule, or Decree, which shall, at any Time, issue from any Court of Mofuffil Dewannee Adaulut, on Proof thereof being made by Oath to the Satisfaction of the Judge of that Court from which such Process, Order, Rule, or Decree shall have issued, such Court may, and shall, Summon such Zemindar, Talookdar, Chowdry, or other Land-holder, or Person so employed in the Collection of the Revenue, to answer to such Charge; and if such Zemindar, Talookdar, Chowdry, or other Land-holder, or Person so employed in the Collection of the Revenue, shall abscond so that he cannot be served with such Summons, he shall be proceeded against in like manner as other Persons who absconded so that they cannot be served with the Process of the Court; and if such Zemindar, Talookdar, Chowdry, or other Land-holder, or Person employed in the Collection of the Revenue, shall refuse or neglect to make Answer; or if, after Answer given and the hearing of such Evidences as he may produce, it shall be proved to the Satisfaction of the Court, that he is guilty of such Charge, the Court shall award and decree, that such Person, being a Zemindar, Talookdar,

or

or Chowdry, or other Land-holder do, from the Time of the Decree then made, forfeit his Zemindarry, Talookdarry, Chowdray, or other Land, and every Right and Title he or his Heirs may have in or to the same; and if such Offender be a Person employed in the Collection of the Revenue, may impose a Fine on such Person not exceeding Two thousand Sicca Rupees, and cause the same to be recovered by such Ways and Means as Sums decreed in any Cause are directed to be recovered by: And it shall be lawful to such Zemindar, Talookdar, Chowdry, or other Land-holder, and such Person concerned in the Collection of the Revenue, against whom such Decree shall be made, if such Fine shall exceed One thousand Sicca Rupees, to appeal to the Sudder Dewannee Adaulut within Three Months after such Decree shall have been made, and a Copy thereof shall have been delivered or tendered to him; and in case any Zemindar, Talookdar, Chowdry, or other Land-holder, against whom such Decree shall be made in any Court of Mofuffil Dewannee Adaulut, shall not appeal against the same within the Time limited for Appeals, then the Court, which shall have made such Decree, shall immediately transmit to the Governor General and Council a Copy of the said Decree and of all the Proceedings thereon: Provided always, that such Zemindar, Talookdar, Chowdry, or other Land-holder, shall not be ousted, or expelled, from the Possession of such Zemindarry, Talookdarry, Chowdray, or other Land, except by, or in virtue of, an Order from the Governor General and Council confirming such Decree, and ordering and directing the Manner in which the same shall be carried into Execution, and to whom the Zemindarry, Talookdarry, Chowdray, or other Land, shall be delivered; and that it be competent to the Governor General and Council either to order such Decree to be executed, or to change or commute such Forfeiture for any Sum of Money which the Governor General and Council shall think adequate to the Offence for which such Decree had been given; so that if the Governor General and Council shall not, within One Month after such Decree shall have been transmitted to them, either order the said Decree

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to be executed, or change or commute the Forfeiture for such Sum of Money as they shall deem adequate to the Offence, the Decree shall stand confirmed against such Zemindar, Talookdar, Chowdry, or other Land-holder for ever; and the Court shall order such Zemindarry, Talookdarry, Chowdray, or other Land, to be seized and sequestered, and the Possession thereof to be delivered to an *Aumeen*, who shall be appointed by the Court to manage the same, and to receive the Rents, Issues and Profits of the same, until such Time as the Governor General and Council shall direct to what person, other than such Zemindar, Talookdar, Chowdry, or other Land-holder, the same shall be delivered; so that the said *Aumeen*, (the necessary Deductions being made for Expences, and for his Trouble to be allowed by the Court), do account for, and pay to the Person to whom the Governor General and Council shall direct the Zemindarry, Talookdarry, Chowdray, or other land to be delivered, all Rents, Issues and Profits, which shall have accrued during the time such Zemindarry, Talookdarry, Chowdray, or other Land shall have been sequestered.

XXXIV. THAT so much of the Resolutions of the Twenty-eighth of March One thousand seven hundred and eighty, which directs, that all Causes, either in the Mofuffil Dewannee Adauluts or Sudder Dewannee Adaulut, shall be brought before the Court and the Process conducted in the Order in which the Plaints are filed, and Evidence and Exhibits prepared, be annulled and revoked. That the several Registers of the Mofuffil Dewannee Adauluts do keep a separate Cause Book, in which shall be entered the several Causes for the Trial of which a Day shall have been appointed by the Court, and shall, on the Day appointed, or as soon after as the Business of the Court will permit, call on such Causes for Trial in the Order in which they shall have been entered; and the Court shall proceed to hear, try and determine the same as they shall be called, except there be some special Reason to the contrary; and a Paper containing a List of such Causes, and the Days appointed for their several Trials shall be constantly affixed in some conspicuous

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Part of the Room where the Court shall be held.

XXXV. THAT so much of the Resolutions of the late President and Council of the Twenty-first Day of August One thousand seven hundred and seventy-two, and of the Governor General and Council of the Twenty-eighth of March One thousand seven hundred and eighty, as directs an Investigation to be made by an *Aumeen* or *Aumeens* chosen by the Parties, be annulled and revoked; and that in all Cases of disputed Property regarding Lands, Houses, or the Limits, Boundaries, or Land-marks of the same, where a local Investigation may be deemed proper, an *Aumeen* shall be appointed by the Court, who shall be sworn to make a true and faithful Report to the Court of the several Matters which shall be given to him in charge by the Court; and that he will not take or receive from either Party any Gratuity or Reward, other than such Sum as shall be allowed to him by the Court, which *Aumeen* shall, at a Day certain to be named by the Court, make his Report to the Court in Writing subscribed with his Name, which said Report shall be received by the Court as Evidence in the Cause with regard to the Matters which the said *Aumeen* was commissioned to investigate and no other. And the Court may order (special Care being taken that the Expences are not unnecessarily incurred by the *Aumeen*, by delays or other means) such Sum to be paid to the *Aumeen* as may be deemed reasonable for his Pains and Trouble; and that such Sum be added to the Costs, and be paid by the Person against whom the Decree shall be made.

XXXVI. THAT in all Causes concerning disputed Accounts, Partnerships, Debts, doubtful or contested Bargains, non-performance of Contracts, which shall be instituted in any Mofuffil Dewannee Adaulut, it shall be recommended to the Parties to submit the Decision of their Causes to Arbitration, the Award of which shall become a Decree of the Mofuffil Dewannee Adaulut; and so that the Parties be at liberty to choose the Arbitrators, who are to decide the Cause without Fee or Reward. And the judges hereby directed to afford every Encouragement

in his Power to Inhabitants of Character and Credit to become Arbitrators; but is not to employ any coercive Means for that Purpose, nor to permit any of his private Servants, or any of the Officers or Ministers of the Mofuffil Dewannee Adaulut, (other than the *Muniffs* in such Courts where *Muniffs* are allowed) to be Arbitrators in any Cause; and that he do recommend, and, as far as he can without Compulsion, prevail upon the Parties to submit to the Arbitration of one Person to be mutually agreed upon by the Parties.

XXXVII. THAT in all Suits regarding Suecession, Inheritance, Marriage and Cast, and other religious Usages, or Institutions, the Laws of the *Koran* with respect to *Mahometans*, and those of the *Shaster* with respect to *Gentoos*, shall be invariable adhered to; and on all such Occasions the *Moulavies* or *Pundits* shall respectively attend to expound the Law.

XXXVIII. THAT no Judge of any Mofuffil Dewannee Adaulut shall, upon any Pretence whatsoever, cause to be made any Report of any Matters of Fact relating to any Cause depending before him, in order to the making of any Decree, by any Officer or Officers, or any other Person whatsoever, other than in the Cases specially mentioned in these Regulations: Nevertheless, that it be competent to such Judge to refer any Question arising on the *Mussulman* or *Hindoo* Law to the *Moulavies* or *Pundits* of the Court, respect being had to the Law in which each is conversant; and that a Statement of Facts on which the Question shall arise be made out in Writing signed by the Judge of the Court, and be delivered to such *Moulavy* or *Moulavies*, *Pundit* or *Pundits* for his or their Opinion thereon, and a Blank left for the Answer or Answers of such *Moulavy* or *Moulavies*, *Pundit* or *Pundits*, to be written, on the same Paper on which the Question is stated, or on that and on a Paper firmly annexed thereto, immediately under and following the same, and be signed by, and with the Name or Names of such *Moulavy* or *Moulavies*, *Pundit* or *Pundits*, together with the Date of the Time when such Question or Questions was or were submitted to him or them, and when such Answer or Answers shall be given.

XXXIX. THAT

XXXIX. THAT if any Suit, which, on or before the Sixth Day of April One thousand seven hundred and eighty-one, was properly cognizable in the Courts of Mofuffil Dewannee Adaulut of *Patna*, of *Dinagepore* or *Purnea*, of *Moorshedabad*, of *Dacca*, of *Burdwan*, or of *Calcutta*, shall have been instituted in any of the said last mentioned Courts, and any Witness examined, or Proof made in the Cause before the Regulations made for the Administration of Justice, and past in Council on that Day, had been notified to such Mofuffil Dewannee Adaulut, it be competent to the Judge of the Court, in which such suit was instituted, to hear, try, determine, decree, and to execute such Decree; but if no Witness shall have been examined, or Proof made in such cause, before such last mentioned Regulations had been notified to such Mofuffil Dewannee Adaulut, that the Judge of the Court, in which the suit shall have been instituted, do immediately certify under the Seal of the Court and his Signature, and transmit to that Court to which, by these Regulations, the Jurisdiction of the Cause doth appertain, the original Complaint of the Plaintiff, and all the Pleadings and Proceedings in the Cause, in the State in which they shall then respectively be: And the Court, to which the same shall be transmitted, is hereby authorized and empowered to proceed in the Cause in like manner as he would have done if the same had been originally instituted, and the Pleadings and Proceedings had been had in the last mentioned Court; and the Complaint, Pleadings, and Proceedings, in the first, shall be and become the Records of the Court to which they shall be transmitted; so that the Parties shall not be obliged to present any new Complaint, or to plead *de novo*, or to pay any new Deposite; and that the Deposite paid at the Commencement of the Cause, do remain in the Court in which the Suit was first instituted, and be transmitted to the Sudder Dewannee Adaulut, together with the other Deposites, as is herein after directed.

XL. THAT no Award of any Arbitrator, or Arbitrators, be set aside by any Mofuffil Dewannee Adaulut, except on full Proof made by Oath of two credible

Witnesses

Witnesses, that the Arbitrators had been guilty of gross Corruption, or Partiality, in the Cause in which they had made their Award.

XLI. THAT if any Person shall be guilty of any Contempt to the Court, in open Court, the Court may immediately punish such Person, either by imposing some Fine, not exceeding One hundred Rupees, and by committing such Person until such Fine shall be paid; (respect being had to the Rank and Situation of such Person) or by imprisoning such Person for any space of Time, not exceeding One Month.

XLII. THAT if any Witness, or other Person, shall be guilty of wilful and corrupt Perjury in any Cause or Matter depending in Court, the Court may immediately commit such Person to close Custody, and shall, with all convenient speed, send him to the Court of Phouzdarry Adaulut of the Division in which the Offence shall be committed, together with the Evidences which are necessary for his Conviction, and a written Charge signed by the Judge of the Court, to be proceeded against according to Law.

XLIII. THAT where any Person shall have commenced a Suit in any Mofuffil Dewannee Adaulut, and shall, pending that Suit, or after any Decree made therein, commence another Suit in any other Court of Mofuffil Dewannee Adaulut for the same Cause; or if any Person shall commence any Suit in any Mofuffil Dewannee Adaulut, which shall appear to the Judge thereof to be frivolous, vexatious, or totally groundless, the Suit shall not only be dismissed with such Costs as the Court may think proper to award, but such Plaintiff may be committed to close Custody for a Time not exceeding One Month; or may be ordered to receive corporal Punishment, not exceeding Twenty Lashes, with a Rattan according to the Degree of the Offence, and the Person's Station in Life.

XLIV. THAT no *Chout-duffuttra*, *Puchuttra*, or any other Fee or Commission on the account of Money recovered; or *Etlak* on the Decision of Causes, nor any other Fine whatsoever, except such as are allowed by these Regulations, be received

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on any Pretence whatsoever; and that a Deposit shall be taken on every Plaint filed at the Commencement of a Cause, in the Proportion of the Sums or Value sued for in the Bill of Plaint; the Rates of the said Deposits to be as follows:

On all Sums not exceeding	1000 Rupees.	-	-	-	5 per Cent
On do. do.	5000 Rs.	-	-	-	4 do.
On do. do.	10,000 Rs.	-	-	-	3 do.
And on all Sums above	10,000 Rs.	-	-	-	2 do.

That where the Suit is for Property in Lands, the Lands shall be estimated according to the annual Produce or *Jumma*: that is to say, *Laharage* Lands at Ten times the Amount of their annual Produce; and *Malguzarry* Lands at the Amount of One Year's *Jumma*, or Revenue payable to Government: And the Deposit, taken on filing the Plaint, shall be calculated accordingly; and that such Deposit shall be paid by the Plaintiff at the time of filing his Bill of plaint; but if the Decree be made against the Defendant, and the Whole of that which is demanded by the Complaint be decreed to the Plaintiff, a Sum equal to the Deposit shall be decreed to the Plaintiff, added to the Costs which shall be awarded to the Plaintiff; but if Part only thereof be decreed to the Plaintiff, a Sum bearing the same Proportion to the annual Produce, if that Part be *Laharage* Land; to the annual *Jumma*, or Revenue to government, if that Part be *Malguzarry* Land; and if that Part be Money, or some specific Thing, to the Money, or Value of the thing decreed, as the Deposit did to the Demand laid in the Complaint, shall be decreed and shall be added to the Costs which shall be awarded to the Plaintiff; and such Sum, so added in every Cause, shall be recovered against the Defendant in the like Manner as all other Monies which shall be decreed are hereby ordered to be recovered.

XLV. THAT at the Commencement of any Suit in any Mofuffil Dewannee Adaulut, if it shall be proved, to the satisfaction of the Judge of the Court in which the Suit shall be commenced, by the Oath of the Plaintiff, and of two credible

dible Witnesses that they believe such Oath to be true, that the Plaintiff is, after all his just Debts paid, not worth more than the Sum of One hundred Sicca Rupees, exclusive of the Value of the Deposite by these Regulations required to be made, it shall be competent for the Judge of the Court, in which the Suit shall be instituted, in lieu thereof to accept either a *Malzaminy* to the Amount of such Deposite, and of such Costs and Fees as the Court shall think likely to be incurred, or *Hazerzaminy*, to be respectively entered into by the Plaintiff and two good and sufficient Securities according to the discretion of such Judge. That where a *Malzaminy* shall have been given, the Judge shall, if the Suit be determined against the Plaintiff, cause the Amount of the Deposite, of the Fees, and of Costs to be paid to the Register of the Court; and where a *Hazerzaminy* shall have been given, and the Plaintiff shall have failed in his Suit, the Judge, if he shall deem the Suit frivolous or vexatious, and the Plaintiff shall not pay the Amount of the Deposite, and of the Fees and Costs, shall, and is hereby authorized to commit such Plaintiff to close Custody for any space of Time not exceeding Three Months; and if the said two Securities shall not produce such Plaintiff, so that he may be proceeded against as aforesaid, if such Securities shall not cause such deposite, Fees, and costs to be paid, the Court shall, and is hereby authorized to commit such Securities to the common Goal for any space of time not exceeding Three Months: And such Defendant, who shall have been so committed, shall, after he has been confined accordingly, be discharged and exonerated from the Payment of Costs, in like manner as if the Decree awarding the same had been fully satisfied by Payment thereof; and if, in such case, the Decree be for the Plaintiff, such Sum shall be added to the Costs as is required to be added where the Deposite is paid at the Commencement of the Suit; and the Plaintiff shall, at the Time the Decree shall be carried into Execution, pay such Sum, so added, into Court, to be accounted for in like manner as Deposites are hereby ordered to be accounted for.

XLVI. THAT no Complaint be received from any other Person than the Plaintiff

tiff in the Cause, nor any Answer from any other Person than the Defendant; except such Person shall produce, and cause to be filed of Record, a *Vakallutnamah*, or written Authority, signed by the Party for whom he appears, and sealed with his Seal in the Presence of two Witnesses, constituting him *Vakeel* of such Party in the Cause; and if he be on the part of the Plaintiff, authorizing him to commence the Suit; and if for the Defendant, to defend; and unless the Party executing the same shall thereby undertake to abide by, and confirm all such Acts, Matters, and Things which his *Vakeel*, so constituted, shall do, or undertake in his behalf, in the Cause, as if he himself had been personally present and consenting; and no Act whatsoever shall be done or admitted, nor any Person heard *viva voce* in any Stage of the Cause, except the Plaintiff, or Defendant, or the Person by them respectively in like manner authorized; nor until his *Vakallutnamah* shall have been filed of Record.

XLVII. THAT every Complaint, which shall be presented to any Court of Mofuffil Dewannee Adaulut, shall state the Matter of Complaint, and if the same be concerning any Zemindarry, Talookdarry, Chowdray, Land, or House, being *Lakrage*, shall state the annual Produce thereof; and if the Zemindarry, Talookdarry, Chowdray, Land, or House, be *Malguzarry*, the *Jumma* or annual Revenue to Government; and if such Complaint be concerning any Money or valuable Thing, or concerning Marriage or Cast, then the Sum of Money or the Value of the Thing demanded, or the Sum in which the Plaintiff is damnified, together with the Name of the Person complained against, and the Time when the Cause of Action accrued: And such Complaint shall be signed by the Complainant, or his *Vakeel* authorized as before directed, and shall be likewise signed, and numbered, and dated in the Order in which the same was received by the Judge of the Court, and shall be registered in a Book by a *Mohrir*, or Officer of the Court whose particular Duty it shall be to Copy and register such Complaint; and such Complaint shall, on no account whatsoever, be delivered to any other Person but such

such Officer; and that every Complaint, Answer, Replication, or Rejoinder be in the Persian or Bengal Language and no other.

XLVIII. THAT every *Tullub-chitry*, Summons, or other Process; and every Order whatsoever of the Court, to be served or executed on any Person whatsoever, be written or printed in the Persian and Bengal Languages, sealed with the Seal of the Court and signed by the Judge thereof.

XLIX. THAT if any written Evidence be offered to any Mofuffil Dewannee Adaulut, in any Cause depending therein, if the Court shall in their Judgment think fit to reject the same, the Judge, so rejecting such Evidence, shall endorse on the Back thereof the Word *Rejected*, together with the Name of the Cause and of the Party who offered to produce the same, and the Date of the Time when the same shall be rejected; and shall enter a Memorandum on the same, or on a Paper there-to to be annexed, of his Reason for not admitting the same in Evidence with his Name subscribed thereto; and shall return the same, so endorsed, and with such Memorandum, to the Person who offered to produce the same in Evidence.

L. THAT the Judge, in every Mofuffil Dewannee Adaulut, do in every Decree recite the Names of the Witnesses, on whose Depositions, and the Title of every Exhibit read in such Cause respectively, on which the Decree of the Court shall be founded; and such Decree shall be sealed with the Seal of the Court, and signed by the Judge thereof in his proper Hand-Writing, and dated on the Day on which the same shall have been passed: And the said Judge, or the Register, either at the Time of making the Decree, or on a Day of which the Court shall give Notice to the Parties or their Vakeels, shall, in open Court, deliver or tender to each Party or their Vakeels, or such of them as shall attend, a true Copy of such Decree authenticated by the Seal of the Court, and signed by the Judge thereof, with an Endorsement thereon, made by the Register, of the Date when such Copies were delivered; and an Entry of such Delivery or Tender, with the Date on which the same was made, shall be made by the Register on the Margin of the Record opposite to the Decree.

LI. THAT so much of the General Regulations of the late President and Council of the Twenty-first Day of August One thousand seven hundred and seventy-two, and of the Resolutions of the Governor General and Council of the Twenty-eighth of March One thousand seven hundred and eighty, or of the Sudder Dewannee Adaulut, which require the Record or Proceeding of the Mofuffil Dewannee Adaulut to be kept in any other than the Form following, be annulled and revoked; that in every Mofuffil Dewannee Adaulut a Book be kept, in which the daily Proceedings of each Cause, and every Order and Act of the Court shall be minuted in the Persian Language, and each Day signed by the Judge of the Court; that the several Complaints, Answers, Replications and Rejoinders of the Parties, and every Deposition, Exhibit, and Paper whatsoever, read and filed in the Cause, be referred to in such Minutes by Marks or Numbers, corresponding to Marks or Numbers, which the Judge shall cause to be endorsed on the same, when the same are read in the Cause: That compleat Records, numbered in the Order in which the Causes shall be tried, be kept in the Mofuffil Dewannee Adaulut in the following Form; that at the Conclusion of every Cause, the Petition, Answer, Reply and Rejoinder, and other Pleadings and Allegations, Acts and Defaults of the Parties, Depositions of Witnesses, Exhibits and all other Evidence, all Orders of Court and Returns thereto in the Order in which they were made, the Decree or Judgement, the Order for the Execution thereof, and the Return made specifying how the same hath been executed, and all Proceedings whatsoever shall be written on a Roll of strong Paper, in the Language in which the Petition, Answer, other Pleadings, Depositions, or Exhibits, shall originally and respectively have been made; so that every Order and Act of the Court be uniformly entered in the Persian Language; and if the Depositions, or Exhibits be in the English, or in any other than the Persian or Bengal Language, that such Depositions or Exhibits be entered in the Language in which they were made or written, together with faithful Translations of the same into the Persian Language: And such Record shall be

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authenticated

authenticated by the Seal of the Court and the Signature of the Judge, and be counter-signed by the Persian *Moonshy* or Persian *Serishtadar*, and be kept in this Form by the Register of the Court among the Muniments of the Court; and shall be and remain a Record of the Court: And any Copy thereof authenticated by the Seal of the Court and Signature of the Judge, and counter-signed by the Persian *Moonshy* or *Serishtadar* shall be deemed and received as good Evidence of such Record in any Court of Mofussil Dewannee Adaulut.

LII. THAT so much of the General Regulations of Twenty-first of August One thousand seven hundred and seventy-two, as require an Abstract Register to be transmitted twice a Month from the Mofussil Dewannee Adauluts to the Sudder Dewannee Adaulut, be revoked and annulled; and that each Judge shall cause to be kept an Abstract Register in the English Language, a Summary Account of his daily Proceedings in each Cause, containing the Names of the Plaintiff and Defendant, the Substance of the Cause, and of the Decree made therein, the Date when the Complaint was filed and when the Decree was passed, and shall transmit the same monthly to the Sudder Dewannee Adaulut.

LIII. THAT so much of the General Regulations of the Twenty-first Day of August One thousand seven hundred and seventy-two, as directs, that the Decree of the Provincial Dewannee Adauluts, on all Causes for Sums not exceeding Five hundred Rupees, shall be final, and that for all above that Sum an Appeal shall be to the Sudder Dewannee Adaulut; and so much of the Regulation for the Sudder Dewannee Adaulut, and of the Regulations of the Twenty-eighth of March One thousand seven hundred and eighty, as require that Petitions shall be recorded in the Mofussil Dewannee Adaulut within Ten Days after the Date of the Decree, and in the Sudder Dewannee Adaulut within Two Months; and that the Decree of the Mofussil Dewannee Adaulut shall, notwithstanding the Appeal, be carried into Execution, unless the Appeal be delivered into Court the same Day on which the Decree was passed; and that empowers the Chiefs of the Provincial Councils

Councils to receive appeals, be revoked and annulled; and that the Decree of the Mofuffil Dewannee Adaulut shall be final in all Causes where the Decree is, or shall be, for any Zemindarry, Talookdarry, Chowdray, other Land or House being *Lakarage*, the Annual produce whereof shall not exceed the Sum of One hundred Sicca Rupees; and where the Decree is, or shall be, for any Zemindarry, Talookdarry, Chowdray, House or Land being *Malguzary*, if the *Jumma* or annual Revenue to Government doth not exceed One thousand Sicca Rupees; and in all other Cases where the Decree is, or shall be, for any Sum of Money, or other thing, the Value of which shall not exceed the Sum of One thousand Sicca Rupees; and where any Zemindarry, Talookdarry, Chowdray, Land or House being *Lakarage*, shall be decreed, the annual Produce of which shall exceed One hundred Sicca Rupees; or being *Malguzary*, of which the annual Revenue payable to Government shall exceed One thousand Sicca Rupees; and where, in all other Cases, the Sum of Money, or the Value of any other Thing decreed shall exceed the Sum of One thousand Sicca Rupees, any Person who shall find himself aggrieved thereby, or against whom, or to whose immediate Prejudice the Decree shall be, or tend, may appeal there-from to the Sudder Dewannee Adaulut by Petition of Appeal stating the causes of Appeal, so that every such Petition against any Decree made in any Mofuffil Dewannee Adaulut be presented to the Mofuffil Dewannee Adaulut, or Sudder Dewannee Adaulut, within three Kalendar Months after the Day on which the Decree was made: PROVIDED nevertheless, such Person may prefer his Petition of Appeal to the Sudder Dewannee Adaulut after such three Months, if he can shew just and reasonabl Cause to the Satisfaction of the Court of Sudder Dewannee Adaulut, for not having preferred the same within the said Three Months; and if the Petition of Appeal be against any Decree whereby the Right of Possession of any Zemindarry, Talookdarry, Chowdray, House or Land, shall be decreed to the Plaintiff, all Proceedings shall immediately be stayed, and no Execution had, or possession given under the Decree appealed against,

against, until the said Appeal shall have been finally determined in the Sudder Dewannee Adaulut, if the Party against whom the Decree is given will enter into good and sufficient Security, in a Sum equal to one Year's Value of the Rents, Issues, and Profits of the Zemindarry, Talookdarry, Chowdray, or other Land or House, which shall have been decreed, to abide, and perform such Order as shall be made in the Sudder Dewannee Adaulut; but if such Party shall neglect or refuse to enter into such Security, on or before the Court-Day next after such Appeal shall be preferred, then the Mofuffil Dewannee Adaulut shall order Execution to be had, and Possession to be delivered according to the Decree; and in all other Cases the Mofuffil Dewannee Adaulut may either order the Decree to be carried into Execution, or that sufficient Security be given by the Party against whom the Decree shall be made, in a Sum equal to the Sum of Money, or the Value of the Thing decreed, for the Performance of the Decree; and if the Mofuffil Dewannee Adaulut shall order the Decree to be executed, Security shall be taken from the Party, in whose favor the decree is made, in a Sum equal to the Sum of Money, or Value of the Thing decreed, for the due Performance of such Order, or Decree as shall be made in the Sudder Dewannee Adaulut: And in all Cases the Party appealing shall give full, and sufficient Security in a Sum, not exceeding Five hundred Rupees, for the Payment of all such Costs, and for the Performance of such Order or Decree as the Sudder Dewannee Adaulut may think proper to award, or make thereupon; and in every Case, where any Petition of Appeal shall be presented in any Mofuffil Dewannee Adaulut against any Decree give in such Court, and such Securities, as are hereby required shall have been entered into, the Judge of such Mofuffil Dewannee Adaulut shall immediately endorse on such Petition, in his own Hand-writing, the Day of the Month and Year on which it was presented, and sign the same with his Name; and shall likewise cause to be wrote in the Margin of the Record immediately opposite to the Decree of the Court the word *appealed*; and shall not, hence forward, exact or receive any

Deposite

Deposite on Account of such Appeal, but shall receive every Petition of Appeal without requiring any Deposite, and transmit the same to the Sudder Dewannee Adaulut in like manner as if such Deposite had been made; and the Judge shall cause Notice in Writing to be given to the Appellant, that he will, within Ten Days, certify to the Judge of the Sudder Dewannee Adaulut the several Proceedings had in the Cause appealed, and that if the Appellant shall not proceed in his Appeal within Six Weeks after the same shall have been received by, and filed in the Sudder Dewannee Adaulut, his appeal will be dismissed, unless he the Appellant shall shew reasonable Cause to the Satisfaction of the Sudder Dewannee Adaulut for not proceeding therein.

LIV. THAT so much of the Rule made in the Sudder Dewannee Adaulut on the Twenty-fifth Day of May One thousand seven hundred and eighty-one, which requires the Judges of the Mofuffil Dewannee Adaulut to transmit or certify any other Record or Proceeding of the Mofuffil Dewannee Adaulut, in case of Appeal to the Sudder Dewannee Adaulut, other than those herein after specified, be annulled and revoked; and that the Judge of such Mofuffil Dewannee Adaulut shall, within Fifteen Days next after the Receipt of such Appeal, certify under his hand and Seal of his Court, to the Judge of the Sudder Dewannee Adaulut, the Record so made up and authenticated as aforesaid, together with the original Complaint, Answer, Replication and Rejoinder of the Parties, and the original Depositions, Exhibits, and every original Paper read in the cause, and shall, before he shall transmit the same to the Sudder Dewannee Adaulut, cause true and faithful Copies of all such Originals, authenticated by the Signature of the *Serishtadar*, or head *Moonshree*, to be made out and deposited in the Mofuffil Dewannee Adaulut, in lieu of the Originals, which said Copies shall be, and shall be esteemed, Records of the Court, and shall be received in Evidence in any other Court of Mofuffil Dewannee Adaulut; but in Cases where any original Deposition, or other original Proceeding, or matter whatsoever shall have heretofore, in any Mofuffil Dewannee Adaulut,

Adaulut, been entered in any Book or Books, which do likewise contain either Proceedings in divers and distinct Causes, or any other Matter, so that such Originals cannot be transmitted to the Sudder Dewannee Adaulut without such other Proceedings or Matters, the Judge of the Mofuffil Dewannee Adaulut shall, within the Time and in like manner as is before directed, certify a true and authentic Copy of such Originals so entered in such Book or Books, and that the Original of each Copy, so transmitted, is so entered in such Book or Books as aforesaid, so that he do, nevertheless, transmit the original Complaint, the original Answers, or other separate Pleadings of the Parties, and the original Exhibits which shall have severally been delivered in, or produced by the Parties and read in the Course of the Cause before the Mofuffil Dewannee Adaulut, if the same be forth-coming, in like manner as is herein before required; and in Cases where any Original shall have been mislaid or lost, and a Copy thereof shall have been entered in any Books of Proceedings, such Copy shall be deemed the Original, and the Judge shall transmit a Copy thereof to the Sudder Dewannee Adaulut, and shall, in like manner, certify the same, and that the Original after due search cannot be found; and also in like manner, when any Appeal shall be received transmit and certify to the said Judge of the Sudder Dewannee Adaulut a true and faithful Translate, into the English Language, of the Record, Pleadings, Depositions and Exhibits, and of all other Papers, Matters and Things, which he is hereby required to transmit, in Cases of Appeal, to the Sudder Dewannee Adaulut.

LV. THAT where any Process, either to a Party or Witness, and all Process whatsoever, and all Rules and Orders for the Execution of any Decree, or final Order; or any Order whatsoever relating to any Cause depending in the Sudder Dewannee Adaulut, which shall be directed to the Judge of any Mofuffil Dewannee Adaulut, the Judge, to whom the same shall be directed, shall execute the Orders contained in such Process, Rule, or Order, and return the same, so executed, within the Time limited, or return to the Sudder Dewannee Adaulut good and sufficient

sufficient Reason why the same hath not been served or executed. The Judges of the several Mofuffil Dewannee Adauluts shall obey all such Rules and Orders of the Sudder Dewannee Adaulut, respecting any such Appeal, Cause, Matter or Thing, depending in the Sudder Dewannee Adaulut, as shall be certified to them respectively under the Seal of the Sudder Dewannee Adaulut, witnessed by the Judge, and signed by the Register thereof; and in Case of any Process, Rule, Decree, Order for Execution of any Decree, or final Order, or any other Order whatsoever, transmitted to any Judge of any Mofuffil Dewannee Adaulut from the Sudder Dewannee Adaulut to be served or executed, the Return to such Process, Rule, Order, or Decree, shall be made by the Judge of the Mofuffil Dewannee Adaulut, either by Endorsement on such Process, Rule, Order, or Decree, or be written on a Paper or Papers firmly annexed to the same; and that in such Case there be an Endorsement on such Process, Rule, Order, or Decree, referring the Judge of the Sudder Dewannee Adaulut to the Return contained in such annexed Paper or Papers; and that the Judge of the Mofuffil Dewannee Adaulut do cause a Copy of such Process, Rule, Order, or Decree, together with the Return made thereto, to be made out and deposited among the Records of the Mofuffil Dewannee Adaulut: And in all Cases where the Sudder Dewannee Adaulut shall transmit any Order or Process, to be served or executed by the Judge of any Mofuffil Dewannee Adaulut against any party in a Cause, if the Party on whom the same is to be served or executed shall have absconded, or is not, after diligent search, to be found, the Judge, to whom the same is directed, shall cause a Writing in the Persian and Bengal Languages to be stuck up in some conspicuous Part of the Room in which the Adaulut shall be held, which Writing shall contain a Copy of the Order or Process, and a Notice that if the Party shall not obey the Exigence thereof within the Time limited thereby, the Court of Sudder Dewannee Adaulut will, without further Notice, Process or Order, proceed, *ex parte*, to hear, try and determine the Cause in which such Process or Order had issued; and shall cause Proclamations,

mations, by beat of *Dowl*, to be made in the Village where such Party resided, as are heretofore required to be made in Cases of Persons who cannot be served with the Process of the Courts of Mofuffil Dewannee Adaulut; and shall return to the Sudder Dewannee Adaulut, in the manner before directed, how he hath executed the same.

LVI. THAT so much of the Resolutions of the Twenty-eighth of March One thousand seven hundred and eighty as directs, that all Sums received for Commission or Fees shall be reserved and appropriated by the Superintendant to defray the Charges of the Court, and which requires him to deliver, monthly, to the Governor General and Council a particular Account of the Receipts and Expenditures, be annulled and revoked; and that the Judge of the Mofuffil Dewannee Adaulut be allowed to deduct Ten per Cent from the Deposites which shall be paid into their respective Courts since the sixth Day of April One thousand seven hundred and eighty-one, and apply the same to their own use: And that the Judge of every Court of Mofuffil Dewannee Adaulut do keep a faithful Account of the Deposites paid at the Commencement of each Cause, and of all Fines imposed by the Court, and do transmit to the Judge of the Sudder Dewannee Adaulut, at the Expiration of Three Months, to be calculated from the First Day of April One thousand seven hundred and eighty-one, a true and authentic Copy of such Account, signed with his own proper Hand, together with the Monies arising from such Deposites and Fines, such Deduction being first made as herein before authorized.

LVII. THAT the respective Judges of the Mofuffil Dewannee Adauluts of *Patna*, *Moorshedabad*, *Tajepore*, *Burdwan*, *Dacca*, and *Calcutta* do, on or before the First Day of September next (if they shall not before that time have transmitted the same) transmit to the Judge of the Sudder Dewannee Adaulut a true Account of the Deposites and Fines received in their respective Courts by themselves or their Predecessors, from the first Institution of such Courts until the First Day of April One thousand seven hundred and eighty-one, whether such Deposites have been paid

paid at the Commencement of Causes, or in Consequence of Appeals, together with the Monies arising from such Deposits and Fines; or an Account in Writing, signed by each Judge respectively, shewing how the same hath been applied.

LVIII. THAT every Judge of every Mofuffil Dewannee Adaulut do use his utmost Care and Attention to prevent the Influence of his private Servants in any Cause depending, or intended to be brought on before his Court, and to prevent them from having any Connection with the Parties.

LIX. THAT any Servant or Dependant of the Judge of any Mofuffil Dewannee Adaulut who shall receive any Money, or other valuable Consideration, on any Pretence whatsoever, directly or indirectly, from any Party in any Suit depending in any Mofuffil Dewannee Adaulut, shall be committed as for a contempt of the Court, and shall be punished by a Fine equal to treble the Sum of Money received, or by Imprisonment, or by corporal Punishment, at the Discretion of the Judge of the Court in which the Offence shall have been committed; or of the Judge of the Sudder Dewannee Adaulut, on a Complaint being preferred to the Court of Sudder Dewannee Adaulut: And the Judge of the Mofuffil Dewannee Adaulut, in which such Offence shall be committed, is hereby required and rejoined to discharge such Servant and never thereafter to employ him, directly or indirectly, in any of his Business, whether public or private.

LX. THAT in all Cases, within the Jurisdiction of the Mofuffil Dewannee Adaulut, for which no specific Directions are hereby given, the respective Judges thereof do act according to Justice, Equity and good Conscience.

LXI. THAT the Judges of the respective Mofuffil Dewannee Adauluts be hereby strictly enjoined and commanded, in every Act, Matter or Thing by them to be done, strictly to adhere to these Rules and Regulations, and to all other Rules of Practice and Standing Orders for the Administration of Justice which shall hereafter be transmitted to them from the Sudder Dewannee Adaulut, under the Seal of the said Court, witnessed by the Judge thereof, and signed by the Register thereof,

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LXII.

LXII. THAT the several Forms for Precedents, which shall be transmitted by the Judge of the Sudder Dewannee Adaulut to the Mofuffil Dewannee Adauluts, shall, as near as may be, (respect being had to the Matter to which they are applicable) be used in the Proceedings of the several Courts of Mofuffil Dewannee Adaulut.

LXIII. THAT so much of the Resolutions of the late President and Council of the Twenty-first Day of August One thousand seven hundred and seventy-two, and all other Resolutions of any President and Council, or Select Committee, or of the Governor General and Council, which direct that the President and Members, or any Member or Members of the Council, or the Governor General and Members, or any Member or Members of the Council, shall preside in the Sudder Dewannee Adaulut, be annulled and revoked; and that there be and remain a Court to be called the *Court of Sudder Dewannee Adaulut*, to be holden before one principal Judge, to be, and to be called, the *Judge of the Sudder Dewannee Adaulut*, who has been, or who shall, as Vacancies may happen, be, from time to time, appointed by the Governor General and Council; and shall take, in the most solemn Manner, before the Governor General and Council, or the Governor General, the following Oath; that is to say, *that he will, to the best of his Knowledge, Skill, and Judgment, duly and justly execute the Office of Judge of the Sudder Dewannee Adaulut, and impartially administer Justice in every Cause, Matter, or Thing which shall come before him.*

LXIV. THAT the Judge of the Sudder Dewannee Adaulut may remove any Officer or Officers of the said Court, and may, from time to time, when any Vacancy shall happen, appoint any other Person, duly qualified, to the Office which shall have become vacant; so that, in Case of a Vacancy of the Office of Register to the said Court, no Appointment be made thereto without the Consent and Approbation of the Governor General and Council: NEVERTHELESS, that the *Nazir* of the Court be authorized to appoint his own *Naib*, the *Peons* of the Court, and the *Mirdah*

Mirdah of the Goal, and that the Judge of the Court may take such *Mochulka* from the *Nazir*, and other native Officers of the Court, as any Judge of Mofuffil Dewannee Adaulut is authorized to take from any *Nazir*, or other native Officer, of any Mofuffil Dewannee Adaulut.

LXV. THAT the Register and his two Assistants, the Persian and Bengal Translators, *Pundits*, *Moulavies*, *Moonshes*, and *Mohrirs* shall, before the Judge of the Sudder Dewannee Adaulut respectively, take the same Oaths, and subscribe the same Declarations as are required to be taken and subscribed by Officers of the Mofuffil Dewannee Adauluts.

LXVI. THAT the Sudder Dewannee Adaulut shall have and use a Seal, on which shall be cut, in the Persian Characters مهر صدر دیوانی عدالت *Mohur Sudder Dewannee Adaulut*.

LXVII. THE Sudder Dewannee Adaulut is hereby authorized and Empowered to frame such Rules of Practice, and Standing Orders for the Administration of Justice, as well in the said Sudder Dewannee Adaulut, as in the Provincial Dewannee Adauluts; and to revise, approve, alter, or disapprove all Rules of Practice and Standing Orders, which may, from time to time, be framed by any Mofuffil Dewannee Adaulut, and transmitted to the Sudder Dewannee Adaulut under the Seal of the Court, and Signature of the Judge of the Court who shall have framed the same; so that such Rules and Standing Orders framed in the Sudder Dewannee Adaulut, and such Rules framed in the Mofuffil Dewannee Adauluts, together with the Approbation Alteration or Disapprobation of the Sudder Dewannee Adaulut, be transmitted to the Governor General and Council under the Seal of the Sudder Dewannee Adaulut, for their final Approbation, Alteration, or Controul.

LXVIII. THAT a Copy of these Rules and Regulations be forthwith transmitted to the Sudder Dewannee Adaulut; that on Receipt thereof in the said Court the Register thereof do mark the same with the Day of the Month and Year in which it shall be received, and do file the same of Record; and that every original
Standing

Standing Rule and Order for the Administration of Justice, which shall be made by the Governor General and Council, be in like manner filed and marked; and that the Register of the said Court do keep one Book, in which shall be entered a Copy of these Rules and Regulations, and of such Standing Rules and Orders which may hereafter be made by the Governor General and Council, or the Sudder Dewannee Adaulut with the Consent and Approbation of the Governor General and Council, for the Administration of Justice in the Sudder Dewannee Adaulut; and another Book in which shall be entered all such Standing Rules and Orders which shall be made as aforesaid for the Administration of Justice in the Mofuffil Dewannee Adauluts, together with the Dates when the same were made or approved by the Governor General and Council, and respectively received by the Sudder Dewannee Adaulut; which said Entries shall severally be authenticated by the Signature of the Judge, and shall be and remain of Record in the Sudder Dewannee Adaulut: And that the Register of the Sudder Dewannee Adaulut do, from time to time, make out and prepare a Copy of all such Standing Rules and Orders, which in any way concern the Administration of Justice in the Mofuffil Dewannee Adauluts, under the Seal of the Sudder Dewannee Adaulut, witnessed by the Judge thereof, and signed by the Register thereof; and shall, within Seven Days after they shall be respectively received from the Governor General and Council by the Sudder Dewannee Adaulut, transmit One of the said Copies to each Mofuffil Dewannee Adaulut.

LXIX. THAT, whereas a Table of Fees has been framed by the Judge of the Sudder Dewannee Adaulut, and approved by the Governor General and Council, the said Judge do, within One Week after he shall have received these Rules and Regulations, cause One Copy of such Table of Fees, in the English Language, and a faithful Translation thereof in the Persian and Bengal Languages, written in a legible Hand, to be affixed in some conspicuous Place in the Room where the Sudder Dewannee Adaulut shall be held, if such Copy and Translates shall not have

have been already so affixed. That the several Clerks and Officers, to whom any Fee is given and allowed by the said Table, may respectively demand and receive the same; but that no Officer, or any other Persons concerned in the Administration of Justice in the Sudder Dewannee Adaulut, do demand or accept any Fee or Fees, Sum or Sums of Money, Reward or Gratuity, other than the Fees authorized by such Table. If the Judge thereof receive any Money, the like Penalties, Forfeitures and Judgments to be recovered and given, in like manner in the Sudder Dewannee Adaulut, as against Officers or Clerks, or other Persons concerned in the Administration of Justice, in any Mofuffil Dewannee Adaulut, who shall in like manner offend in this behalf.

LXX. THAT the Court of Sudder Dewannee Adaulut be held in a large and convenient Room within the Limits of the Town of *Calcutta*, as herein before described, and do sit, *de die in diem*, as the Dispatch of Business may require; and that the Judge of the Sudder Dewannee Adaulut be authorized to make such Reasonable Adjournments as, consistently with the Business thereof, he may think fit; and in case of his Absence, through Illness, that the Register do make such Adjournments as he shall direct.

LXXI. THAT no Rule, Order, Proceeding, or Decree be made, but on Court Days, and in open Court.

LXXII. THAT it be competent to the Sudder Dewannee Adaulut to hear, try, and determine any *Arzee* or Petition, Cause of Action or Suit, or Matter of Complaint, or any Matter whatsoever, so that the same be of a civil Nature, which shall be, for that purpose, transmitted to the said Court by the Governor General and Council, to make such Decree in the same as Justice may require, and to order such Decree to be executed in like manner as the Decrees of the Courts of Mofuffil Dewannee Adaulut are directed to be executed.

LXXIII. THAT it be competent to the Sudder Dewannee Adaulut to receive any original Complaint whatsoever, where the Cause of Action shall be cognizable

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in any Mofuffil Dewannee Adaulut, where such Court shall have refused or neglected to entertain, or receive the same, or to proceed therein, and to refer the same to the Provincial Dewannee Adaulut to whose Jurisdiction the same shall appear to belong; and to order and command the Judge of the said Court to entertain or receive the same, or to proceed in, hear, try, and determine the same: PROVIDED nevertheless, that if the Plaintiff in such Cause shall not have paid such Deposite as is herein required, or have entered into such Security as is herein required to be entered into by Persons too poor to pay the same, no Proceedings shall be had in such Cause in the Mofuffil Dewannee Adaulut to which such Order shall issue, until such Plaintiff shall have paid such Deposite, or have entered into such Security; and if such Plaintiff shall neglect or refuse, for the space of Six Weeks after such Order shall have been notified to the Mofuffil Dewannee Adaulut to pay such Deposite, or enter into such Security, the Mofuffil Dewannee Adaulut may dismiss the Suit, the said Order of the Sudder Dewannee Adaulut notwithstanding; in which Case the Judge of the Mofuffil Dewannee Adaulut shall, within One Week after such Dismissal, certify to the Judge of the Sudder Dewannee Adaulut, under his Hand and the Seal of the Court, that such Suit is dismissed, and the Reason why it was dismissed.

LXXIV. THAT the Sudder Dewannee Adaulut be as well a Court of Appeal as of Review, in all and every the Complaints, Causes, Suits, Claims, and Disputes concerning any Zemindarry, Talookdarry, Chowdray, other Land or House; or concerning the Inheritance or Succession to the same; or the Bounds and Limits thereof; or any Right, Title, Claim, Demand, or Interest, or Lien to, or in the same, or to the Possession thereof, and all other Causes whatsoever, (other than Matters concerning the Revenue, which are herein before excepted from the Jurisdiction of the Mofuffil Dewannee Adauluts) which have been heard, tried, and determined by any Provincial Chief and Council, or any Member or Members thereof, either in the Capacity of Chief and Council, or as Members of any Provincial Council,

Council, or as a Court of Mofuffil Dewannee Adaulut; or by any Collector of the Revenues at *Chittrah, Ramgur, Rungpore, Boglepore* or *Islamabad*; and all Complaints, Causes, Suits, Claims or Disputes concerning any Zemindarry, Talookdarry, Chowdray, Land or House, and concerning the Inheritance and Succession to the same, or the Bounds and Limits thereof; or any Right, Title, Claim, Demand, Interest, or Lien to, or in the same, or to the Possession thereof; and concerning Rents, Debts, Accounts, Contracts, Partnerships, Sales, or any Property of any Nature whatsoever, be the same personal or real; and all Duties and Demands whatsoever concerning the same, and all Causes and Disputes concerning Marriage and Cast, which have been heard, tried and determined in Courts of Mofuffil Dewannee Adaulut wheresoever established, and before whomsoever holden, and which shall hereafter be heard, tried and determined in any Mofuffil Dewannee Adaulut where the Decree is or shall be for any Zemindarry, Talookdarry, Chowdray, Land or House, being *Lakerage*, and the annual Produce thereof shall exceed the Sum of One hundred Rupees; or where the Decree is or shall be for any Zemindarry, Talookdarry, Chowdray, Land or House, the same being *Malguzary* if the *Jumma* or annual Revenue to Government shall exceed One thousand Sicca Rupees; and in all other Cases where the Decree is or shall be for any Sum of Money or other Thing, the Value of which shall exceed the Sum of One thousand Sicca Rupees, and where the Petition of Appeal against any Decree concerning any Zemindarry, Talookdarry, Chowdray, Land or House, made by any Provincial Chief and Council, or any Member thereof; or by any Collector of Revenues at *Chittrah, Ramgur, Rungpore, Boglepore*, or *Islamabad*, either in the Capacity of Chief and Council, Members of Council, Chief or Collector, or as Superintendants of Mofuffil Dewannee Adaulut, on or before the Sixth Day of April, One thousand seven hundred and eighty-one, be presented to the Sudder Dewannee Adaulut, on or before the First Day of February, which will be in the Year of our Lord One thousand seven hundred and eighty-two, and where the Petition

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of Appeal against any Decree made in any Mofuffil Dewannee Adaulut since the Sixth Day of April One thousand seven hundred and eighty-one, be presented to the Mofuffil Dewannee Adaulut in which the Decree was made, or to the Sudder Dewannee Adaulut, within Three Kalendar Months after the Day on which the Decree was made: PROVIDED nevertheless, that if any Petition of Appeal be presented to the Sudder Dewannee Adaulut after the Times herein respectively limited, and the Person presenting the same can shew just and reasonable Cause, to the Satisfaction of the Judge of the Sudder Dewannee Adaulut, for not having preferred the same within such limited Time, it be competent to the Sudder Dewannee Adaulut to proceed therein, and to hear, try, and determine the same, in like manner as if such Petition of Appeal had been presented within such limited Time, any thing herein to the contrary notwithstanding. And the Court of Sudder Dewannee Adaulut is hereby authorized either to confirm or reverse, in whole or in part, the Decree so appealed against, and may make further Order therein as Justice, Equity, and good Conscience require, and may decree such Costs to either Party as by the Court may be deemed reasonable.

LXXV. THAT if any Petition of Appeal be preferred against any Judgment or Decree founded on an Award of an Arbitrator or Arbitrators, the same be dismissed with Costs, except full Proof be made, to the Satisfaction of the Court by the Oaths of two credible Witnesses, that the Arbitrator or Arbitrators have been guilty of gross Corruption or Partiality in the Cause in which they have made their Award.

LXXVI. THAT in Matters and Causes transmitted by the Governor General and Council to the Sudder Dewannee Adaulut to be heard tried and determined, and in all Cases of Review, and of Appeal, except as to hearing Witnesses and receiving Evidence, the Sudder Dewannee Adaulut shall proceed in like manner, and with like Power and Authority, and subject to the like Restrictions, Limitations, and Exceptions as the Mofuffil Dewannee Adauluts are hereby authorized or directed to proceed.

LXXVII.

LXXVII. THAT all Process as well to Parties as Witnesses, and every Rule and Order for the Execution of any Decree or final Order, and every other Order whatsoever, which shall issue out of the Sudder Dewannee Adaulut, be written or printed in the Persian and Bengal Languages, sealed with the Seal of the Sudder Dewannee Adaulut, attested by the Judge thereof, and signed by the Register thereof; and that all such Process, Rules, and Orders, which are to be served or executed on any Parties, Witnesses, or Persons, (other than the Parties, Vakeels or Persons in actual Attendance of the Court) be directed to the Judge of the Provincial Dewannee Adaulut in which the Cause of Action shall originally have arisen, or in whose Jurisdiction the Lands be situated, or the Parties or Witnesses shall be or reside; and that every such Process, Rule and Order do limit a Time certain in which the same shall be served, executed, and returned to the Sudder Dewannee Adaulut; and the Judge, to whom the same shall be directed, shall execute the Orders contained in such Process, Rule or Order, and return the same, so executed, within the Time limited; or return to the said Court good and sufficient Reason why the same hath not been served or executed, and what the said Judge hath done in pursuance: PROVIDED, that if any Judge, to whom any Process, Rule, or Order whatsoever shall be directed, shall wilfully disobey, or neglect to perform the Commands therein contained, or shall make a false Return thereto, such Judge shall be liable to be suspended from his Office, by Order of the Judge of the Sudder Dewannee Adaulut, until the Governor General and Council shall, upon Report to be made to them by the Sudder Dewannee Adaulut, have examined into and determined on the Matter reported to them. And if the Sudder Dewannee Adaulut should suspend such Judge, the Judge of the Sudder Dewannee Adaulut shall, within Ten Days after such Suspension, report to the Governor General and Council such Suspension, together with the Cause thereof, and certify, under his hand and the Seal of the Sudder Dewannee Adaulut, all such Proceedings, Depositions and Exhibits, and all other Matters which may be necessary

for the Examination into, and Determination upon such Suspension; and shall, on Requisition of the Governor General and Council, transmit to them all such Papers and Proceedings in the Cause, which they may esteem necessary for their Investigation, so that nothing herein contained do authorize the Sudder Dewannee Adaulut, in any Case where any Sum of Money is decreed to be paid by any Zemindar, Talookdar, or Chowdry, to issue any Order to any Mofuffil Dewannee Adaulut to execute the same; but, in such Case the Sudder Dewannee Adaulut shall certify to the Mofuffil Dewannee Adaulut, under the Seal of the Court and Attestation of the Judge thereof and the Signature of the Register, a Copy of such Decree; and the Court of Sudder Dewannee Adaulut shall proceed to execute the same, in like manner as the Courts of Mofuffil Dewannee Adaulut are herein before authorized to execute Decrees, where any Sum of Money is decreed to be paid by any Zemindar, Talookdar, Chowdry, or other Land-holder: And the committee of Revenue is hereby required to execute such Decree of the Sudder Dewannee Adaulut in like Manner as they are before required to execute the Decrees of the Mofuffil Dewannee Adauluts in like Cases.

LXXVIII. THAT if any Judge of any Mofuffil Dewannee Adaulut to whom any Process, Rule, or Order of the Sudder Dewannee Adaulut shall be transmitted, that the same may be served or executed on any Party, shall return that such Party hath absconded, or was not, after diligent search, to be found, and that he had caused such Writing to be stuck up, and such Proclamations to be made in the Places and Manner herein before in such Case directed and required, and such Party shall not appear and obey the Exigence of such Process, Rule, or Order, the Court of Sudder Dewannee Adaulut shall proceed, *ex parte*, to hear, try, and determine the Cause in which such Process, Rule, or Order shall have issued, in like manner as if such Party had appeared and obeyed the Exigence of such Process.

LXXIX. THAT it be competent to the Sudder Dewannee Adaulut, in case of any Appeal, where it shall appear to the said Sudder Dewannee Adaulut that the
original

original Cause has not been sufficiently investigation in the inferior Court, or for other Cause which may be deemed reasonable by the Sudder Dewannee Adaulut, either as a Court of Review to receive such further Evidence as may be proper for the just Determination of the Cause and give Judgment thereon; or to send the Cause back to the inferior Court, where it originated, with special Directions to the Judge thereof, with regard to the new Evidence he shall receive thereon, as shall be deemed by the said Court most conducive to Justice, and the Convenience of the Parties and Witnesses.

LXXX. THAT the Sudder Dewannee Adaulut may, as it may deem most conducive to Justice, respect being had to the Nature of the Cause and the Evidence, either examine the Witnesses to be produced, *viva voce*, in open Court, causing the Witnesses to be first sworn, their Depositions reduced into Writing, and signed by the Witnesses respectively; or authorize the Register of the Court to swear and procure the same to be signed by the respective Witnesses, and authenticate the same by his Signature, so that such Examination be in the Presence of both Parties or their Vakeels, who shall be at liberty to put such Questions to the Witnesses as they shall think proper, which Questions and the Answers thereto shall be, in like manner, reduced into Writing, signed and authenticated: PROVIDED nevertheless, if due Notice be given to the Parties, or their Vakeels, of the Examination of any Witness or Witnesses before such Register, and he or they shall not attend at the Time of such Examination, the Register shall, and is hereby authorized, to proceed to the Examination as before directed, and such Depositions shall be received as good and authentic Evidence; and the Judge of the said Sudder Dewannee Adaulut may dispense with the Oaths of all such Witnesses as the Mofuffil Dewannee Adauluts are authorized to excuse from taking of Oaths, on their making and subscribing such Declarations in open Court, as are required to be made and subscribed by such Witnesses in the Mofuffil Dewannee Adauluts; and may, in Cases where the Witnesses shall be such Women as are before

discribed,

described, or shall reside at more than Fifty Coss distance from *Calcutta*, grant such Commissions to such Persons, and on the like Occasions in which the Courts of Mofuffil Dewannee Adaulut are authorized to grant Commissions for the examination of Witnesses; and that the Sudder Dewannee Adaulut may issue such Commissions to creditable Women, and send such Letters to the Judges of the Mofuffil Dewannee Adauluts for Examination of Witnesses, and in like Cases as the Judges of the Mofuffil Dewannee Adauluts are authorized to issue and send such Commissions and Letters.

LXXXI. THAT the Court of Sudder Dewannee Adaulut, if any Witness duly summoned shall not attend, or attending shall refuse to be sworn or give Evidence, or to subscribe his Deposition; or if such Witness, or any other Person be guilty of wilful or corrupt Perjury in any Cause depending in the Court, or any Contempt in open Court, may deal with such Witness or Person in the same Manner as the Mofuffil Dewannee Adauluts are authorized to deal with Witnesses or other Persons in the like Manner offending.

LXXXII. THAT if the Appellant, in any Appeal filed in the Sudder Dewannee Adaulut, shall not proceed in the same for the space of Six Weeks, the Appeal be dismissed, unless the Appellant shall shew reasonable Cause, to the Satisfaction of the Court, of his, her, or their not proceeding therein, and that the Court may, if it shall deem it proper so to do, award to the Respondent his, her, or their Costs of Suit.

LXXXIII. THAT in case of any Matter being referred by the Governor General and Council, except it shall be otherwise directed by the Governor General and Council, and on any Appeal being commenced in the Sudder Dewannee Adaulut, before the same shall be proceeded in, the Plaintiff in the Cause referred shall deposit in the Hands of the Register of the Court a Sum equal to the Deposit which such Plaintiff would have been required to have made, if a Complaint had been preferred to a Mofuffil Dewannee Adaulut for the same Cause; and the
Appellant

Appellant in the Appeal shall, in like Manner, deposite a Sum, bearing the same Proportion, and calculated in the same Manner, on the Value of the Zemindarry, Talookdarry, Chowdray, Land, House, Sum of Money, or other Thing decreed as the original Deposite required to be taken in the Mofuffil Dewannee Adaulut at the Commencement of the Suit, bore to the Zemindarry, Talookdarry, Chowdray, Land, House, Sum of Money or Thing demanded in the original Bill of Complaint; which Deposite, if the original Decree be reversed, shall be decreed to the Appellant: PROVIDED, that the Judge of the Sudder Dewannee Adaulut be authorized, in lieu thereof and of the Fees of Officers and Costs, to take a *Malzaminee* or *Hazerzaminee*, in like Manner, and for the same Cause as the Judges of the Mofuffil Dewannee Adauluts are authorized to accept such Securities in lieu of such Deposite Fees and Costs, to be paid in the Mofuffil Dewannee Adauluts; and in case of non-Payment of such Fees and Costs, to proceed against the Appellant or his Securities, in the Manner in which the Mofuffil Dewannee Adauluts may proceed in such Cases.

LXXXIV. THAT in Causes referred by the Governor General and Council no Proceedings be had, either on behalf of the Plaintiff or Defendant, nor any Petition of Appeal be received, or any Act whatsoever be done, either on behalf of the Appellant or Respondent, except by the Plaintiff or Defendant, the Appellant or Respondent themselves, or by a Vakeel in like Manner authorized as is required for Vakeels acting in the Mofuffil Dewannee Adauluts; nor by any Vakeel before his *Vakalatnamah* shall have been filed of Record in the Court, and that no Persons, except such Parties or such Vakeels, shall be heard, *viva voce*, in any Stage of the Causes.

LXXXV. THAT if any Zemindar, Talookdar, or Chowdry, or any Person, being a Native and employed under any Denomination whatsoever in the Collection of the Revenues, under any Person or Persons who now have, or hereafter may have the general Charge of the Revenue, or the Charge of the Revenue of any particular

particular District, shall resist, or cause to be resisted any Process, Order, Rule or Decree which shall, at any Time, issue from the Court of Sudder Dewannee A-daulut, on Proof thereof being made by Oath to the Satisfaction of the Judge thereof, such Court may, and shall summon such Zemindar, Talookdar, Chowdry, or other Land-holder, or Person employed in the Collection of the Revenues, to answer to such Charge; and if such Zemindar, Talookdar, Chowdry, or Person employed in the Collection of the Revenues, against whom such Summons shall have issued, shall abscond so that he cannot be served with such Summons, the Court shall proceed against such Zemindar, Talookdar, Chowdry, or other Land-holder, or Person employed in the Collections, as against other Persons absconding, so that they cannot be served with the Process of the Court; and if such Zemindar, Talookdar, Chowdry, or other Land-holder, or Person employed in the Collection of the Revenues, being summoned, shall refuse or neglect to make Answer; or if, after Answer given, and the hearing of such Evidences as he may produce, it shall be proved to the Satisfaction of the Court, that he is guilty of such charge, the Court shall award and decree, that such Person, being Zemindar, Talookdar, Chowdry, or other Land-holder, do, from the Time of the Decree then made, forfeit his Zemindarry, Talookdarry, Chowdray, or other Land, and every Right and Title which he, or his Heirs may have in, or to the same; and if such Offender be a Person employed in the Collection of the Revenues, may impose on such Person a Fine not exceeding Two thousand Sicca Rupees; and if such Decree be made against any Zemindar, Talookdar, Chowdry, or other Land-holder, immediately, or any Appeal be made against any such Decree passed against any Zemindar, Talookdar, Chowdry, or other Land-holder, and the Court shall confirm the original Decree, the Court shall transmit to the Governor General and Council a Copy of the Decree, and of all the Proceedings belonging thereto: PROVIDED always, that such Zemindar, Talookdar, Chowdry, or other Land-holder shall not be ousted, or expelled from the Possession of such Zemindarry, Talookdarry, Chowdray,

Chowdray, or other Land, except by, or in Virtue of an Order from the Governor General and Council confirming such Decree, and ordering and directing the Manner in which the same shall be carried into Execution, and to whom the Zemindarry, Talookdarry, Chowdray or other Land shall be delivered; and that it be competent to the Governor General and Council, either to Order such Decree to be executed, or to charge or commute such Forfeiture for any Sum of Money, which the Governor General and Council shall deem adequate to the Offence for which such Decree had been given; so that if the Governor General and Council shall not, within One Month after such Decree shall have been transmitted to them, either order the said Decree to be executed, or charge or commute the Forfeiture for such Sum of Money as they shall deem adequate to the Offence, the Decree shall stand confirmed against such Zemindar, Talookdar, Chowdry, or other Landholder for ever; and the Court shall order such Zemindarry, Talookdarry, Chowdray, or other Land to be seized and sequestered, and the Possession thereof to be delivered to an *Aumeen*, who shall be appointed by the Court to manage the same, and to receive the Rents, Issues and Profits of the same, until such Time as the Governor General and Council shall direct to what Person, other than such Zemindar, Talookdar, Chowdry, or other Landholder, the same shall be delivered; so that the said *Aumeen*, the necessary Deductions being made for Expences, and for his Trouble to be allowed by the Court, do account for, and pay to the Person to whom the Governor General and Council shall direct the Zemindarry, Talookdarry, Chowdray, or other Land to be delivered, all Rents, Issues and Profits which shall have accrued during the Time such Zemindarry, Talookdarry, Chowdray, or other Land shall have been sequestered.

LXXXVI. THAT the Petition of Appeal do state (Respect being had to the Matter decreed) the annual Produce or Revenue thereof, or the Sum, or the Value of the Thing decreed, the Name of the Person in whose Favor the original Decree was made, the Court in which it was made, when the same was made, what

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was decreed thereby, and whether the Decree has been executed, and assign some Cause, special or general, for appealing from the same.

LXXXVII. THAT the Petition of Appeal, Pleadings, Depositions and Exhibits in the Sudder Dewannee Adaulut be respectively numbered, marked, dated, and signed by the Register, in the same Manner as the Complaint, Pleadings, Depositions and Exhibits are respectively ordered to be numbered, marked, dated, and signed in the Courts of Mofuffil Dewannee Adaulut, and shall be signed by the Register of the Sudder Dewannee Adaulut: That a Minute Book and Abstract be kept by the Register, in like Form as the same are directed to be kept in the Mofuffil Dewannee Adauluts; and that the Decree be drawn up and signed; and that Copies thereof be drawn, signed and endorsed, and delivered to the Parties; and complete Records be kept in the Sudder Dewannee Adaulut, in like Manner as is required in the Mofuffil Dewannee Adauluts.

LXXXVIII. THAT where a Petition of Appeal shall be directly presented to the Sudder Dewannee Adaulut against any Decree, whereby the Right or Possession of any Zemindarry, Talookdarry, Chowdray, Land or House shall have been decreed to the Plaintiff in the original Cause, and no Execution shall have been had, or Possession given under the Decree, the Court of Sudder Dewannee Adaulut shall, if the Party against whom the Decree shall have been given shall have entered into good and sufficient Security in a Sum equal to One Year's Value of the Rents, Issues, and Profits of the Zemindarry, Talookdarry, Chowdray, Land or House, which shall have been so decreed, to abide and perform such Order as shall be made in the Sudder Dewannee Adaulut, issue an Order directed to the Judge of the Mofuffil Dewannee Adaulut, the Decree of which shall be appealed against, to stay Execution until the Appeal shall have been finally determined; and in every Case where a Petition of Appeal shall be preferred to the Sudder Dewannee Adaulut, and no Security shall have been taken by the Mofuffil Dewannee Adaulut, the Sudder Dewannee Adaulut shall not proceed in such Appeal, until

until the Party appealing shall have given such Security as he would have been herein before required to have given, if he had preferred his Petition of Appeal in the Mofuffil Dewannee Adaulut.

LXXXIX. THAT accurate Accounts be made out by the Accountant and Treasurer of the Sudder Dewannee Adaulut, of all Sums of Money, as well received from the Mofuffil Dewannee Adauluts, as in the Sudder Dewannee Adaulut, on account of Deposits. That the Judge thereof do, after the Expiration of every Six Months (the first Six Months to be calculated from the First Day of April last) transmit a true Copy of the same, signed by the Treasurer and Accountant, and countersigned by the said Judge, to the Governor General and Council; and that he cause the said Sums to be kept in Chests provided for that purpose with two Locks, one Key of which shall be kept by such Judge, and the other by the Treasurer and Accountant; and that all such Monies shall be and remain at the Disposal of the Governor General and Council; and that the Judge of the Sudder Dewannee Adaulut, and the Treasurer and Accountant shall obey all such Orders, respecting the Payment and disposal of such Monies, as they shall, from time to time, receive, signified to them under the Hands of the Governor General and Council; and such Orders of the Governor General and Council shall be a sufficient Acquittal and Discharge to such Judge, and Treasurer and Accountant, for all Sums paid by Virtue of such Orders.

XCI. THAT the Judge of the Sudder Dewannee Adaulut do punctually make a Report at the Expiration of every Six Months (the first Six Months to be calculated from the First Day of April last) to the Governor General and Council, from what Judges of Mofuffil Dewannee Adaulut he shall have received, as well the Accounts of the Sums of Money required to be transmitted from them to the Sudder Dewannee Adaulut, as the Sums required to be transmitted; and also the other Accounts, Papers, Transcripts, Proceedings and Records required to be transmitted by the Courts of Mofuffil Dewannee Adaulut; and if he shall not receive

the same, then he shall report from whom he hath not received the same, and if he shall receive only Part of the same, then he shall report what Part he hath received, and what Part he hath not received, together with the Names of the Defaulters in such behalf.

XCI. THAT the Judge of the Sudder Dewannee Adaulut do use his utmost Care, and Attention to prevent the Influence of his private Servants, in any Cause depending or intended to be brought on before the Court, and to prevent them from having any Connection with the Parties.

XCII. THAT any Servant or Dependant of the Judge of the Sudder Dewannee Adaulut, who shall receive any Money, or other valuable Consideration, under any Pretence whatsoever, directly or indirectly, from any Party in any Suit depending in the Sudder Dewannee Adaulut, shall be committed as for a Contempt of the Court, and shall be punished by a Fine equal to treble the Sum of Money received, or by Imprisonment, or by corporal Punishment, at the discretion of the Court, and the Judge of the Sudder Dewannee Adaulut is hereby required and enjoined to discharge such Servant, and never thereafter to employ him, directly or indirectly in any of his business, whether public or private.

XCIII. THAT in all Cases, for which no specific Directions are hereby given, the Judge of the Sudder Dewannee Adaulut do act according to Justice, Equity, and good Conscience.

XCIV. THAT these Rules, Orders and Regulations be, on the next Court Day after the same shall be received in the Courts of Mofussil Dewannee Adaulut, and in the Sudder Dewannee Adaulut, openly read and published in such Courts respectively; and be with all Expedition truly and faithfully translated into the Bengal and Persian Languages, and be either printed or written in a legible Hand, and be affixed, for the Space of one Month at least in some conspicuous Part of the Room in which such Court shall respectively be held.

XCIV.

XCV. THAT every Resolution, Rule or Order, or Regulation made by any former President and Council or Select Committee, or by the Governor General and Council, or the Sudder Dewannee Adaulut, concerning the Jurisdiction, Power and Authority of any Court of Mofuffil Dewannee Adaulut, or of the Sudder Dewannee Adaulut, concerning the Process, Proceedings, Decrees, Executions and Practice, which lays any Restriction, or Limitation, or Exception on the Authority or Process of such Courts, other than the Restrictions, Limitations and Exceptions contained in these Regulations; and every Resolution, Rule and Order, in any ways contrary and repugnant to the same, be from henceforth annulled and revoked; and that from, and after the First Day of August, One thousand seven hundred and eighty-one these Rules and Regulations be and remain, in so much as the same shall not be hereafter altered by any Resolution of the Governor General and Council, or Order of the Sudder Dewannee Adaulut approved by the Governor General and Council, the only Standing Rules, and Regulations for the Administration of Justice in every Court of Mofuffil Dewannee Adaulut, and in the Sudder Dewannee Adaulut.

REVENUE DEPARTMENT.

A true Copy

(Signed) I. BAUGH

Secretary.

